DISCUSSION PAPER

88.B.1

BARRIERS TO RECOGNITION OF THE CREDENTIALS OF IMMIGRANTS IN CANADA

by

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April 1988

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Table of Contents

Page

Acknowledgements v

Executive Summary vii

Introduction 1

Part One Research on the Extent of Barriers to the Recognition of Credentials 3

Part Two The Nature of Barriers to the Recognition of Credentials 9

(a) Trades 9
(b) Professions 11

(i) Medical Profession 14
(ii) Dental Profession 18
(iii) Engineering 18

Part Three Investigation of Barriers by Human Rights Commissions in Canada 21

Part Four Support Services for Immigrant Tradespersons and Professionals 25

Part Five Federal Policy Issues 33

(a) Review of the Recommendations of Federal Bodies 33
(b) Multiculturalism 34
(c) Human Rights 35
(d) Immigration 36
(e) International Commitment 37

Part Six Conclusion and Policy Recommendations 41

Endnotes 47

Appendices 49

References 57

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Executive Summary

Historically, immigration has made a significant contribution to the growth and quality of the Canadian labour force. Many immigrant workers are well-educated and constitute a potentially rich resource of human capital. However, relatively little is known about the process by which immigrants with training obtained outside Canada establish themselves in the Canadian labour force. This paper examines the initial stage in that process; that is, the stage at which immigrants seek recognition of their foreign academic and occupational qualifications.

A review of existing research reveals that several studies using data from the 1981 Census have pointed to problems with recognition of credentials as one possible explanation for the failure of many immigrants to attain occupational status in Canada commensurate with their educational achievement. Other studies have explored immigrants' own explanations for the occupational disadvantage they face in Canada. Immigrants who do not find the jobs they expected once in Canada perceive problems in having foreign qualifications recognized and their lack of Canadian job experience to be crucial factors in their under-employment. Existing research therefore suggests that there is a problem with recognition of foreign credentials; however, there has been no systematic investigation of occupational entry procedures that would establish the magnitude or extent of credentials problems.

On the basis of available investigations, the paper describes the nature of barriers to recognition of credentials in the trades and professions. In the trades immigrants are routinely required to prove they have received apprenticeship training for one year longer than is required of Canadian-trained tradespersons seeking certification. Immigrants who are deemed to require further apprenticeship training have to study for at least one-half the time required to complete a provincial apprenticeship, regardless of the number of hours previously spent in training in their country of origin. Immigrant workers may encounter the additional barrier of inability to communicate on the job in one of the official languages. Language training programs established by the federal and provincial governments are in most cases designed to impart general conversational skills, without attention to technical, job-specific language requirements.

In the professions potential barriers to entry are in most cases attributable to the use of subjective methods of evaluation. While some professions have devised evaluating exams or established review panels as a means of assessing the academic preparation of candidates for certification, others refuse to recognize any education obtained outside Canada. In the latter case candidates are required to repeat the educational requirements of their profession at a school in the province in question. At a later stage in the certification process candidates may also be required to repeat a period of practical work experience, or internship, already undertaken in the country of origin.

Litigation initiated by candidates for admission to certain professions reveals the variety and complexity of barriers to entry. For example, in the medical profession the access of foreign-trained doctors to Canadian internships is deliberately restricted as one means of

regulating the supply of physicians in the country. Restricted access to the medical profession has been challenged in the courts of Ontario and Quebec but has yet to be overturned.

Research conducted for this report included an investigation of the activities of human rights commissions on the basis of their jurisdiction to monitor discrimination in employment. Although the commissions are aware of issues surrounding foreign credentials, no public inquiry has been undertaken by a commission to specify what problems exist and how these may be corrected. It is possible that the commissions have not felt competent and/or empowered to investigate entry procedures in the trades and professions.

Having reviewed what is known about the various problems trained immigrants encounter, the paper goes on to explore the support services currently available to assist tradespersons and professionals with this aspect of settlement in Canada. Support services are shown to be minimal, consisting in most provinces of advice from immigrant organizations and the services offered to prospective students by the registrars of post-secondary institutions. In the provinces of Ontario, Quebec and Manitoba other initiatives have been taken. In Ontario one university service fields requests from all provinces for assessment of foreign academic credentials. Quebec offers a comprehensive evaluation service for residents of the province. Manitoba has no equivalency service but has established a program whereby selected immigrants are financially assisted to pursue necessary upgrading and to sit for certification exams. A wage subsidy program has also been established in Manitoba to assist trained immigrants seeking employment in specified sectors of the economy.

Recognition of the credentials of immigrants falls within the jurisdiction of the provinces. However, the issue has been discussed at the national level on several occasions since 1981 with the expectation of a federal policy response. It is therefore important to outline federal policies with potential application to resolving the credentials problems that have been identified.

First, the federal government could become more involved in the credentials issue following the adoption of the proposed Canadian Multiculturalism Act, which is now before Parliament. The Act would codify the federal government's commitment to removing barriers to the full and equitable participation of all individuals in Canadian society. Second, the federal government's commitment to multiculturalism is in turn an expression of federal responsibility for the preservation of human rights. The *Charter of Rights and Freedoms*, the *Canadian Human Rights Act* and international human rights obligations have potential application in litigation and discussion of immigrant credentials.

The paper also argues that failure to recognize immigrant credentials undermines federal immigration policy, one of whose objectives is to promote national prosperity through the contributions of a highly motivated and well-educated immigrant labour force.

Finally, the forthcoming accession by Canada to the UNESCO Convention on the Recognition of Studies suggests a vehicle by which the federal government could work with the provinces on this issue of mutual interest. The Convention calls for the establishment of a

national body, to be financed jointly by the provinces, through the Council of Ministers of Education, Canada, and by the Secretary of State.

The paper concludes with the following policy recommendations:

1. The provinces and the federal government should co-operate to obtain detailed knowledge of the entry procedures and barriers that exist in the various professions and trades.

2. The evaluation of foreign academic credentials is currently inadequate in two respects: provision of services and methods of evaluation. The commission that will be set up following Canada's accession to the UNESCO Convention on the Recognition of Studies should be used to provide accessible evaluation services to immigrants in all provinces except Quebec. The Council of Ministers of Education, Canada is also well-placed to develop better methods of evaluation and to advise professional associations and other organizations on their use.

3. The federal and provincial governments should work together to establish a labour market program to assist experienced, skilled immigrants who require retraining to work in Canada.

Introduction

Historically, immigration has played a key role in increasing the size and rate of growth of the Canadian population. Analysis of federal immigration policy since World War II suggests that Canada is entering a relatively expansionist phase in which the total level of immigration is increasing annually (Seward 1987). From a low of 88,239 immigrants admitted in 1984, total immigration climbed to 99, 219 in 1986 and is estimated to have been 150,722 in 1987 (Canada, House of Commons 1988). The federal government has planned for the entry of between 125,000 and 135,000 immigrants to Canada in 1988 (Canada, Employment and Immigration 1987a).

The level of immigration has an obvious impact on the size of the Canadian labour force. Labour force growth occurs in response to both growth in the source population (i.e., the number of individuals 15 years of age and over) and growth in the participation rate (i.e., the proportion of the source population in the labour force). In recent years (1979-1983) net immigration has accounted for 14.3 per cent of growth in the source population; the remaining growth is a result of domestic population increase (Kerr 1986, 9). The relative contribution of net immigration to growth in the source population can be expected to increase as immigration levels rise. It is more difficult to track growth in the labour force participation rate for immigrants as compared to Canadian-born workers. Data collected in the 1981 Census do indicate that immigrants participate in the labour force at almost the same rate as the Canadian-born population (McLaughlin 1985, 95).

In addition to its impact on the size of the labour force, immigration also affects the composition of the labour force in terms of the skills, education and occupational background of immigrants. Recent data indicate that immigrants to Canada are well-educated by comparison with the Canadian-born population. In 1981 10.5 per cent of immigrants were university graduates, as opposed to 8 per cent of non-immigrants. The difference holds for both sexes and at all ages under 65. At the same time, immigrants are somewhat more likely than the Canadian-born to have less than grade 9 education: 27.5 per cent as compared to 21 per cent. (Statistics Canada 1984a; for a detailed discussion of the educational attainment of immigrants see Beaujot, Basavarajappa and Verma 1987).

The immigrant population surveyed in the census includes, of course, longer-term residents of Canada who have pursued their education in Canada since the time of arrival. However, analysis of the educational attainment of immigrants at the *time of arrival* confirms the census findings. Of immigrants who arrived in Canada in 1986 and were aged 15 and over, 12.5 per cent had undertaken some post-secondary education without formally graduating; 13 per cent possessed trade certificates; and 13.7 per cent had obtained one or more university degrees. The remainder (60.7 per cent) had secondary level education or less (Canada, Employment and Immigration, LIDS).

It is evident that immigrants bring to the Canadian labour force significant resources of human capital. However, to understand the net impact of immigration on the Canadian economy and labour market, we need a better understanding of how these human resources

are actually used after the immigrant's arrival in Canada. Accordingly, this paper sets out to examine one stage in the process by which educated, skilled immigrants establish themselves in the labour force.

All immigrants who join the labour force will at some time be required, either informally in discussions with prospective employers or by way of formal processes, to describe their foreign academic and occupational qualifications. The purpose of this paper is to present and assess what is known about the processes by which immigrants seek recognition of their credentials in Canada.

Immigrants who wish to work in Canada must establish the value, or equivalence, of their qualifications in terms of Canadian standards. Depending on their occupation, this may involve several separate issues. First, all immigrants who wish to study and many who seek employment must demonstrate the extent of their formal education, commonly referred to as 'academic equivalency'. Second, they must seek credit for relevant work experience in their country of origin. For skilled workers this involves the additional step of achieving recognition of certification in a trade or profession. Finally, the qualifications of an individual immigrant will be assessed differently in various provinces, based on differences in provincial educational systems and employment regulations. Throughout the paper an attempt is made to separate and highlight the issues of academic equivalency and certification and to describe provincial variations in the treatment of both.

Part one of the paper presents a review of research addressing the question of the extent of barriers to the recognition of credentials. Part two describes what is known about the nature of these barriers, both in general terms and with reference to selected professions. It should be noted that parts one and two are not intended to constitute a systematic investigation of occupational entry requirements. Rather, the paper flags potential barriers to immigrants that have been identified by previous research. The task of investigating specific entry procedures in each of the professions and trades and of recommending changes that respect the self-regulating nature of many of these occupations is technically complex and is expensive to carry out. As described below (see pages 12 and 33), the province of Ontario is currently engaged in such a study.

Part three of the paper examines the activities of human rights commissions in Canada on the basis of their mandate to investigate the types of barriers described in the preceding section. At the same time, this section evaluates the effectiveness of the commissions in redressing the grievances of immigrants who allege that their foreign credentials have been used as the basis of discrimination in employment.

Part four evaluates the provincial support services available in Canada to immigrants seeking recognition of academic and/or professional qualifications. Part five suggests the potential for federal involvement in the resolution of problems related to foreign credentials by linking the issue to four areas of federal policy: multiculturalism, human rights, immigration and international relations. Finally, part six presents concluding comments and policy recommendations that recognize the need for participation by both levels of government in resolving the problems identified in the paper.

Part One: Research on the Extent of Barriers to the Recognition of Credentials

Academic research, together with reports by immigrants and immigrant service organizations, suggests that immigrants face barriers to the full recognition of their qualifications. A review of this research can provide some sense of the magnitude of the problem immigrants face. Problems specific to various trades and professions will be discussed in Part two.

In an article published in 1985, Monica Boyd provides the most rigorous analysis available of differences between Canadian-born and foreign-born workers in the acquisition of occupational status. Using the 1973 Canadian Mobility Survey, Boyd found that education exerts a greater influence on the occupational attainments of native-born males compared to foreign-born males. That is, each additional year of education completed adds a greater increase in occupational status attainment for Canadian-born males than for immigrant males. The impact of the differential effect of education on status increases with the level of education attained.[2] Boyd concludes that the Canadian-born receive a greater return on their education compared to the foreign-born as a result of ". . . difficulties of transferring educational skills across national boundaries" (Boyd 1985, 405). Although part of this difficulty may arise because the content of an immigrant's education is genuinely less relevant to the needs of the Canadian labour market, problems in assessing education and the failure to recognize education fully are also factors.

By controlling for age at the time of immigration, Boyd lends further support to this thesis. Immigrant males who come to Canada prior to age 17 (i.e., males who are likely to have received at least one year of education in a Canadian school) receive a significantly greater return on educational attainment than those who enter Canada at age 17 or later. Boyd notes that since 78 per cent of the foreign-born male labour force between 25 and 64 years of age arrived in Canada at age 17 or later, educational undervaluation has a considerable impact on the occupational attainment of the foreign-born labour force (p. 415). The strength of Boyd's findings is tempered somewhat by an inability to control for the effect of knowledge of the official languages on status attainment.

In addition to comparing the occupational attainment of Canadian-born and foreign-born males, Boyd also explored differences in the occupational attainment of immigrants by country of birth and sex. Data provided by the Job Mobility sample enable a comparison of males belonging to the following birthplace groups: United States, United Kingdom, the Netherlands, West Germany, Italy, Portugal and Greece, other western European countries, Poland, other eastern European countries, and other areas of the world.

Boyd examined the mean occupational status of birthplace groups while controlling for the effect of age, social origins, place of residence, education, and length of time in Canada. She found that the relatively high occupational status of foreign-born males from the United States, United Kingdom, 'other' western European countries and 'other' areas of the world could not be explained by the economic and social variables included in the model. Similarly,

the remaining birthplace groups had a lower mean occupational status than that observed for all foreign-born males. Foreign-born males from Portugal and Greece, from Poland, and from 'other' eastern European countries were shown to be particularly disadvantaged.

Boyd notes that occupational inequalities could reflect the influence of variables not included in the model, such as, for example, linguistic ability. It is not possible to determine the differential impact, if any, of problems with recognition of credentials on immigrants from different parts of the world.

On the basis of previous studies of immigrant women, Boyd's data on the occupation of foreign-born females could be expected to reflect the double disadvantage of being female and being foreign-born. Foreign-born women do have lower occupational status than foreign-born males and Canadian-born workers of both sexes. This difference in occupational status cannot be explained by socio-economic or demographic characteristics of the foreign-born women. Occupational disadvantage is much less pronounced, however, for foreign-born women born in the United Kingdom or the United States.

A number of authors have used 1981 Census data to demonstrate the difficulties faced by selected cohorts of the immigrant population in translating educational attainment into occupational advantage. Trovato and Grindstaff (1986) focus on ever married female immigrants who were 30 years old at the time of the census. The authors compare data on the education and occupation of non-immigrant and immigrant women while controlling for period of immigration (see Table 1). The data reveal an inconsistency in the educational and occupational achievements of the women surveyed. Immigrant women who came to Canada as adults are nearly twice as likely as the Canadian-born to have some university training (29.0 per cent as compared to 17.1 per cent). Yet these women are less likely than Canadian-born women to hold professional jobs (23.8 per cent of women who immigrated as adults hold professional jobs, as compared to 32.2 per cent of Canadian-born women). Women who immigrated to Canada as children or as adolescents are better able to translate their educational attainment into comparable occupation advantage; however, neither of these groups equals the occupational success of Canadian-born women.

Trovato and Grindstaff conclude that the adult immigrant women in their sample may have had problems obtaining recognition of their credentials in Canada. They also cite other possible explanations for the disjuncture between education and occupation for this group: the women may not have had time to find a position commensurate with their training or they may have encountered discrimination in the Canadian job market.

In a separate study of a larger cohort of immigrant women (aged 30 to 44), Grindstaff (1986) presents similar findings and again points to credentials as a potential source of difficulty for immigrants to Canada.

Census data have also been used to assess the occupational experiences of Asian immigrants in Canada (Basavarajappa and Verma 1985). A significantly higher proportion of Asian immigrants than Canadian-born persons have university level education. On average, for all periods of immigration, this translates into proportionately higher representation in the professional occupation category. However, period of residence in Canada has a crucial impact on the ability of Asian immigrants to receive returns to their

Table 1

All Ever Married Women, in Families, 30 Years of Age, By Immigration Status and Level of Education and Occupation Canada, 1981

Percentage Distribution

Economic Factors	Non-Immigrants	Immigrants (Age at Immigration)		
		Children[1] 0-9 yrs	Adolescents[2] 10-20 yrs	Adults[3] 21-30 yrs
Education				
Some university or completed university	17.1	24.2	13.7	29.0
Other	82.9	75.8	86.3	71.1
Occupation				
Professional	33.2	31.7	17.9	23.8
Other	66.8	68.4	82.1	76.2

Notes:

1. Immigrated before 1961.
2. Immigrated between 1961-1971.
3. Immigrated between 1972-81.

Source: Calculated from Trovato and Grindstaff (1986, Table 1).

high educational attainments. Significantly smaller proportions of recent immigrants are in managerial and professional occupations than would be anticipated on the basis of level of education. The authors suggest that a lack of Canadian experience and non-recognition of qualifications may cause problems for immigrants beginning a life in Canada. (It should be noted that the requirement for "Canadian experience" is frequently related to an inability and/or unwillingness of Canadian employers to evaluate the Canadian equivalence of foreign work experience.)

Several authors and immigrant service organizations have used survey methodology to describe immigrants' own perceptions of credentials as a factor in their occupational disadvantage. Ornstein and Sharma undertook an analysis of the longitudinal survey of immigrants who had entered Canada in 1976 and early 1977. The experiences of these immigrants in Canada, including their employment status and satisfaction with employment, were followed for one year after arrival.

The 1976 immigrant cohort was well-educated: 28 per cent of the men and 19 per cent of the women had more than 13 years of education. The majority of both men and women had received some type of training through, for example, apprenticeship, trade school or

university, before immigrating to Canada. The year after their arrival in Canada, of those immigrants who were continuously in the labour force, only 52 per cent of the men and 43 per cent of the women were working in the jobs they had expected. Immigrants had a variety of explanations for their failure to find the type of employment expected; a full 14 per cent of the men and 26 per cent of the women cited problems in having qualifications recognized or accepted. Close to a quarter of the men and women felt that a lack of Canadian experience had hindered their employment prospects. As already noted, employers who stipulate Canadian experience as a job requirement may be undervaluing foreign experience and/or consciously screening out immigrant candidates. Other reasons given for not working in the expected jobs included no labour market demand for the immigrant's occupation; language problems; and voluntary decisions to choose another occupation (Ornstein and Sharma 1983, Table 1.10).

In British Columbia the Affiliation of Multicultural Societies and Service Agencies of B.C. (AMSSA) prepared a report based on interviews with 80 persons whose professional and technical training was not recognized or had been severely discounted.[3] Representatives of nine professional and trades organizations/associations and of government ministries also provided information on entry procedures. The objective of the study was to determine whether the procedures by which professional equivalence is established are equitable (Fernando and Prasad 1986).

The AMSSA study was initiated following several earlier attempts in B.C. to highlight the problems immigrants encountered in seeking recognition of their credentials. Fernando and Prasad summarize the findings of a government-funded report in 1982 and of three others released in subsequent years. All provide evidence of under-employment or unemployment among skilled immigrants in B.C. Based on their own research, the authors provide detailed descriptions of the barriers to entry in specific professions. Some of these will be discussed in part two of this paper. More important at this point is the authors' contention that 87 per cent of the sample interviewed were unemployed or under-employed. Among those seeking employment in the trades, 35 per cent cited lack of recognition of credentials as a problem they had encountered; among professionals, in particular doctors and engineers, 71 per cent had encountered barriers to full recognition. Other reasons given for employment difficulties included adverse economic conditions, lack of Canadian experience and inadequate command of English.

Many immigrant service organizations in Canada are aware of the significance of barriers to recognition of credentials in the employment setbacks encountered by their clients. However, few have the resources to document and report the history and resolution of these cases. At the request of the author, two organizations in Ontario did provide an assessment of the magnitude of the credentials problem in their communities. Women Immigrants of London reported that between March 1986 and September 1987 they saw 300 women at their centre; of those, 50 per cent were professionals unable to practise their professions in Canada (Taylor 1987).

In Toronto COSTI-IIAS[4] Immigrant Services received funding from the Ontario Ministry of Skills Development in March 1986 to establish a one-year pilot project of counselling for university-educated women. The program included assistance in obtaining recognition for qualifications earned abroad. Inadequate knowledge of English was an

obvious reason for the under-employment and unemployment of a majority of the 320 clients served by the program. However, 28 per cent of the clients whose English was described as "good" were also under-employed or unemployed. Of this proportion most had been in Canada for at least four years at the time they sought counselling (Szado 1987).

An alternative means of evaluating the significance of foreign credentials as a barrier to the employment of immigrants would be to examine the entry processes and outcome of applications for entry to the trades and professions to determine the difficulties immigrant applicants encounter. This type of analysis has been undertaken in Ontario but has not been attempted elsewhere in Canada.

In 1977 the Attorney General of Ontario appointed the Professional Organizations Committee to review the statutes governing the professions of public accounting, architecture, engineering and law. Among the issues the Committee was to consider was "the amount of control these professional groups should have over the training and certification of their members" (Ontario 1980, iii). The Committee concluded that the entry procedures in place were not "obviously inappropriate in any major respect" (p. 159). However, the Committee appears to have deferred to the expertise of the bodies governing the professions, finding them best able to establish their own rules for admission. For the professions other than law, the Committee was satisfied that policies regarding foreign applicants are relatively uniform within Canada. The process of screening applicants to the legal profession was criticized for being too decentralized, but the Committee welcomed the establishment of a national evaluative program. The members of the Committee therefore seem to have settled for uniformity of procedures within Canada, without investigating the validity of the entry procedures themselves. In this respect the investigation of this particular issue by the Committee was not rigorous.

In 1983 the Province of Ontario held a conference on the problems facing visible minority women in the workplace (Ontario 1984). Participants at the conference called on the government to form a special committee to look into the examination and admission procedures of all professional associations of Ontario. Representatives of minority communities continued to lobby for a comprehensive investigation of issues surrounding recognition of foreign credentials, eventually prompting action by the provincial government.

On January 27, 1987 the government of Ontario announced the first phase of an intensive review of the entry requirements of the professions and trades in Ontario. A social research consulting firm, Abt Associates of Canada, was hired to determine the nature and extent of barriers to individuals with qualifications obtained abroad. The findings of Abt Associates with regard to specific barriers of entry will be detailed in part two of this paper. The Abt report (Abt Associates of Canada 1987) also attempts to measure the relative success of foreign-trained applicants to the trades and professions; these findings on the extent of barriers are summarized below.

Abt Associates relied on interviews conducted with representatives of immigrant groups in order to gauge immigrant perceptions of the problem. The authors of the Abt report stress the limitations of this methodology: the sample of immigrants interviewed was not systematic and does not, therefore, allow for statistically reliable inferences to be drawn. Nevertheless, they conclude from this survey that the entry barriers that do exist in the

professions and trades have a disproportionate impact on immigrants of all races and most ethnicities (p. 24). Respondents from the immigrant community identified 15 professions, 4 trades and a variety of other occupations as posing significant entry barriers, but they were unable to estimate the number of persons affected.

As a complement to the survey, Abt Associates examined the law, regulations and procedures governing entry to 25 professions in Ontario. Through contact with the relevant professional organizations the authors had hoped to establish 'success rates' for applicants trained in Ontario, in other provinces within Canada and elsewhere. Instead they encountered a variety of problems with data retrieval from the organizations. Success rates either could not be calculated or were not meaningful, in that they exceeded 100 per cent (p. 46). The success of foreign-trained applicants to the trades was also difficult to measure; only non-landed immigrants could be identified from applicant files, and they constituted only 141 cases.

In summary, attempts to measure the magnitude or extent of credentials problems using various methodologies have been inconclusive. There would not appear to be a reliable means of quantifying this problem that avoids the subjectivity of survey responses and is able also to overcome the weaknesses inherent in personnel data maintained by a vast array of employers. While the problems associated with recognition of credentials will obviously be most severe in regional labour markets where the supply of immigrant labour is great and a relatively high level of skill is demanded, the exact magnitude is not known.

Part Two: The Nature of Barriers to the Recognition of Credentials

The objective of this section is to outline, in general terms, the problems encountered by immigrants who wish to pursue a skilled trade or profession in Canada. It is not possible to provide a comprehensive review of the entry processes for all occupations in all provinces of Canada; selected professions will be used to highlight potential barriers.

In Canada each provincial government has jurisdiction to regulate the conditions of work within the province. In certain occupations statutes restrict employment and/or professional designation to persons who have been certified as meeting the qualifications necessary to the safe and effective pursuit of their calling. In professions such as medicine, law, accounting and engineering, responsibility for regulating practitioners is delegated to self-governing groups, commonly referred to as professional associations.

There are two kinds of self-regulating profession. First, a profession may be regulated by a certifying body, which has the right to confer a reserved title. Unauthorized, or uncertified, individuals cannot use the same title but may offer services similar to those who are certified. Second, a self-regulating profession can be governed by a licensing body, in which case an unauthorized person can neither use the given designation nor offer the licensed service (Ontario 1980, 15). These powers of self-regulation are granted to the professional associations in order to protect the public from incompetent service, which, as non-experts in the field, consumers may be unable to evaluate. For purposes of this paper, the procedure by which individuals gain admission to any of the self-regulating professions will be referred to as the 'certificaton' process.

The right to practise a trade is also subject to regulation, although in this case the provincial government exercises direct control over certification and does not delegate this power to any independent organization. In the case of some trades, e.g., motor vehicle mechanic and electrician, regulation is justified by the need to ensure public safety. In more general terms, certification ensures the employer that a journeyperson possesses the skills that by tradition are defined for the trade. These skills are, in turn, reflected in provincial regulations (Abt Associates of Canada 1987, 15).

(a) Trades

The right to work in a given trade may or may not require compulsory certification depending on provincial regulations. In most provinces, for trades where workers are not required to hold a current certificate of qualification, procedures have been established for voluntary certification (eg., electricians in British Columbia and Manitoba; construction carpenters outside Quebec). Although an immigrant or any worker could theoretically obtain employment in a voluntary trade without formal participation in the certification process, this is not recommended, because holders of certificates are frequently hired ahead of those

without proof of qualification (Canada, Employment and Immigration Career Information Directorate).

In the regulated trades workers acquire their skills through formal apprenticeship programs (eg., motor vehicle mechanics throughout Canada; machinists in Nova Scotia, Alberta and Newfoundland). Most are regulated by the provinces and financially supported by Employment and Immigration Canada. An apprenticeship consists of a combination of practical training under the guidance of a qualified journeyperson and some attendance at a specified educational institution.

Following this formal training period, which lasts at least two years, the worker seeks certification in his or her trade. (Appendix A lists the provincial and territorial offices responsible for trades certification.) Examinations for certification are held in population centres at periodic intervals and require payment of a fee. A working knowledge of English or French, including knowledge of technical trade language, is required of those who attempt the exams. Candidates are allowed the services of an interpreter; to avoid the possibility of cheating, the interpreter cannot be a member of the same trade. This arrangement will obviously be inadequate if the interpreter is unfamiliar with trade terminology. In some provinces a temporary certificate will be given to a person who has met the training requirements of a trade but has not passed the certification exam.

A study of entry to the trades in Ontario found that the *process* for an immigrant seeking entrance to a trade in Ontario is identical to that for someone from another province seeking entrance[5] (Abt Associates of Canada 1987, 86). However, the authors did identify several problems that foreign-trained persons are more likely to encounter in pursuing the process of certification.

First, the duration and content of the apprenticeship program pursued by a Canadian-trained person is well understood. However, the training of an immigrant must be evaluated in relation to Canadian/provincial standards. Refugees and other immigrants may be unable to provide documentation of their training and certification. For these people and for those with documentation from a country for which Canadian authorities have little knowledge of occupations, it is difficult to assess the equivalence of their training by provincial standards. In general, tradespeople trained outside Canada are required to have worked in the trade for one year in excess of the time required to complete a provincial apprenticeship (Johnston 1987). If this level of training is confirmed they are qualified to sit for examination. If there is any doubt that this level of training has been attained, the applicant will be referred back to the apprenticeship program.

In Ontario it was found that candidates who do not have adequate experience in the trade, and must therefore be evaluated for apprenticeship training, are routinely awarded no more advance credit than one-half of the hours required to complete the apprenticeship, regardless of the total hours of equivalent training received in their home country. It is suggested that applicants from other provinces will also not be credited for their full hours of apprenticeship training (Abt Associates of Canada 1987, 88). The question of evaluation of out-of-province trades training requires further investigation; it is clear, however, that

foreign-trained persons are routinely required to have more experience prior to examination than are applicants from within the province.

As noted above, inability to work in one of the official languages can pose a significant barrier to those wishing to write the qualification exam. However, opportunities for learning English or French in job-related courses are rare (Fernando and Prasad 1986, 43). For instance, language training programs jointly funded by the Secretary of State and the provinces are generally aimed at recent immigrants who are preparing to become Canadian citizens. Although there are enormous variations in course content across Canada, the usual practice is to teach conversational language skills of general application, without attention to the technical language that might be necessary for various vocations.

Immigrants in the labour force most commonly receive language training through courses sponsored by Employment and Immigration Canada as one component of the Canadian Jobs Strategy (Seward and McDade 1988). A major objective of CEIC language training is to remove an employment barrier faced by skilled workers who cannot secure employment because of a lack of fluency in an official language. However, courses are designed to teach communication skills, rather than to provide learners with occupational or professional terminology. Technical or specialized language training may be purchased only in exceptional cases (Canada, Employment and Immigration 1986a). The provinces have the option of taking independent initiatives in the provision of technical language training. Quebec, for example, offers technical language training courses for immigrants with training in the health care field.

Observations made in British Columbia suggest that provision of job-related English as a Second Language (ESL) courses is inadequate and remains a barrier to employment for immigrant tradespeople (Fernando and Prasad 1986, 43). Also, since 1985 the Action Committee on Immigrant and Visible Minority Women (ACIVMW),[6] a national advocacy organization, has lobbied the federal government to provide specialized ESL-FSL language classes for professional and skilled workers (ACIVMW 1987, 31). To determine the precise number of persons unable to obtain certification because of a language barrier it would be necessary to conduct follow-up studies of applicants for certification. However, it is doubtful that data collection procedures in the provincial ministries responsible for certification would allow for such a study. For example, in Ontario information on the country of birth of applicants for certificates of qualification is not retained (Abt Associates of Canada 1987).

Finally, it appears foreign-trained persons seeking certification in a trade may be hindered by a simple lack of information on the processes involved. Abt Associates noted that although the certification process in Ontario appears straightforward, interviews with immigrants suggested many do not understand the requirements for achieving certification (Abt Associates of Canada 1987, 90).

(b) Professions

As noted in an earlier section, the primary justification for regulating the professions is protection of consumers of specific services or the general public. Control of entry to the

professions, combined with standards of conduct and disciplinary procedures for practising professionals, is intended to ensure the honesty and competence of practitioners. In general, admission to a profession in Canada requires

(a) completion of some general post-secondary education;

(b) professional training and/or a professional degree;

(c) work experience during or after professional training; and

(d) successful completion of certification exams specified by the provincial licensing body.

A variety of evaluative procedures have been established in the professions to assess the competence of candidates who have not received their training and work experience within the province. The following summary and critique of these procedures is intended to highlight features common to the entry processes of most professions, although some may not apply to certain professions as they are practised in some provinces. Specific barriers to entry in three professions will be described in greater detail below.

A review of entry requirements for the professions in Ontario revealed weaknesses in the processes that *could* have a disproportionately negative impact on members of minority and ethnic groups who were trained outside Canada. These weaknesses are in most cases attributable to the use of subjective methods of evaluation. The use of more objective means of evaluating candidates would remove many of these potential barriers by eliminating the opportunity for bias to influence the consideration of minority group members and of all immigrants (Abt Associates of Canada 1987).

Variations in the objectivity of procedures are most evident at the first stage of the certification process, which is a review of the candidate's academic training to assess its Canadian equivalency. Academic qualifications are assessed to determine whether the candidate is adequately prepared to sit for the certification exam. In rare cases a profession will recognize any university program as adequate preparation and allow the candidate to proceed directly to the certification exam. (For example, this is the case for dental surgeons. As another example, in Ontario graduates of veterinary programs included on the World Health Organization's registry may also proceed directly to the certification exam.)

More often a systematic evaluation of academic credentials is carried out. The most objective means of evaluating educational background is to administer a comprehensive evaluating exam. (This is not to be confused with the certification, or qualifying exam, which is described below.) Such exams are available in pharmacy from the Pharmacy Examining Board of Canada, and in medicine (to graduates of acceptable schools) from the Medical Council of Canada. More often, candidates are examined on a case-by-case basis to determine the Canadian equivalency of their training. This process may involve examination of documents, interviews with the candidate and enquiries directed to the school overseas. However, some professions refuse *a priori* to grant equivalency to candidates from outside their jurisdiction, or they restrict equivalency to known schools. In Ontario, for example, in four occupations, including that of dental technician, there is no recognition of any training completed outside the province (Abt Associates of Canada 1987). Other professions maintain

lists of accredited schools whose program of study is known to be adequate preparation for the certification exam that leads to licensing. In general, educational institutions in the United States are automatically included on such lists; professionals trained in the United States may receive differential treatment throughout the stages of the certification process.

In some cases a candidate who is not a graduate of an accredited school will be examined by a review panel on particular subjects relevant to the profession and thereby given a chance to demonstrate his/her competence to proceed to the certification exam. However, many graduates of unrecognized programs are simply required to repeat the educational requirements of their profession at a school within the province. Some professions approve a program of studies for professionals from outside the country to guide their retraining; in other professions candidates are left to negotiate with individual universities for recognition of previous training and partial credit toward the necessary degree.

Ability to communicate in English or French is usually required for certification and demonstrated by an ability to pass the certification exam, which is administered in one of the official languages. However, in some professions a language exam is given to the candidate, such as the Test of English as a Foreign Language (TOEFL). As discussed in the section on trades, language may pose a significant barrier in the certification process.

The vast majority of candidates for certification must write a certification exam. In rare instances candidates with specified qualifications from certain countries are admitted to the profession on the basis of agreements between provincial associations and associations in other countries; some candidates are allowed to write a shorter set of tests. For example, in Ontario physiotherapists and radiological technicians certified to practise outside of Canada may be admitted to the profession on the basis of reciprocal agreements with other jurisdictions. Dental surgeons trained in the United States are exempt from one clinical exam (Abt Associates of Canada 1987). In many professions provincial associations have agreed to establish a national body to conduct a common certification exam across Canada. The provincial body still determines who is qualified to write the exam and assesses the results according to provincial standards for certification. National examination boards have been established in professions such as veterinary medicine, nursing, dentistry and architecture.

Many professions require a period of practical work experience, or internship, as the final step in the certification process. In some professions some credit will be given for equivalent work experience in a foreign country (e.g., accountancy, engineering, pharmacy). In other professions candidates are expected to repeat the required period of work experience in the province where they wish to practise (e.g., architecture, law, psychology, radiology). The special case of the medical profession, in which equivalency for overseas work is not granted but opportunities for Canadian internship are also restricted, will be discussed in the following section of the paper.

It is obvious from the preceding description that there are wide variations in the procedures used by various professions to assess the competence of foreign-trained persons. Depending on an immigrant's country of training, chosen profession and province of settlement, he or she may face significant barriers to professional practice in Canada. There has been no systematic assessment of the nature and extent of these barriers. However, a

review of formal complaints and publicized grievances in certain professions can be used to illustrate the variety and complexity of barriers that currently exist.

Applicants refused admission to a profession generally have the right to present their case to the relevant professional organization for re-consideration. In some professions (e.g., the health professions in Ontario) further grievances can be filed with arbitrators who have a detailed knowledge of the profession. Final appeal in all cases rests with the courts, which are able to determine whether an administrative body (i.e., the licensing organization) has erred in its interpretation or application of its governing act and regulations. In all provinces redress is also available from a human rights commission (or council) if discrimination in employment can be proven. (The record of human rights commissions in addressing this issue is discussed in Part three.) In the remainder of this section, barriers to entry in the professions of medicine, dentistry and engineering are discussed on the basis of litigation and publicized grievances.

(i) Medical Profession

Procedures for entry to the medical profession are designed to ensure that foreign-trained doctors meet the same standards of competence as Canadian-trained doctors but that is not their only purpose. Procedures for evaluating foreign-trained applicants are also intended explicitly to restrict access to the medical profession. These procedures have been the subject of court challenges in two provinces (Ontario and Quebec) and have been debated across the country.

Physicians and surgeons trained in Canada complete four years of study at the medical school of an accredited university. Successful completion of the qualifying exam set by the Medical Council of Canada enables the graduate to apply for a one- or two-year period of internship at a hospital. Upon completion of the internship doctors are referred to as Licentiates of the Medical Council of Canada. They are then eligible to be licensed to practise medicine by the College of Physicians and Surgeons of the various provinces.

In theory, foreign-trained doctors pursue a similar path to certification. First, they must be graduates of an acceptable medical school, as determined by the provincial College. In most cases graduates of schools listed on the World Health Organization's World Directory of Medical Schools are recognized. Foreign-trained medical graduates wishing to immigrate to Canada write the Medical Council of Canada Evaluating Examination (MCCEE) at various centres throughout the world. In most provinces successful candidates are required to complete a two-year period of internship. (One year of rotating internship may be waived in all provinces, except Ontario and Quebec, with the permission of the Royal College of Physicians and Surgeons of Canada.) At the final stage of certification candidates must pass the qualifying exam of the Medical Council of Canada and demonstrate fluency in English or French. As in the case of Canadian-trained doctors, licensing is at the discretion of the provincial College of Physicians and Surgeons.

Despite the apparent similarity in licensing procedures for foreign- and Canadian-trained doctors, it has become increasingly difficult for foreign-trained doctors to practise

medicine in many parts of Canada. Measures have been adopted to restrict the entry of foreign-trained doctors, in response to reports that Canada has a growing surplus of physicians.

In November 1985 the Federal/Provincial Advisory Committee on Health Manpower[7] released its projection of a national surplus of about 6,000 physicians by the year 2000. Among several recommendations intended to reduce the projected surplus, the Committee called for a reduction in the number of foreign-trained physicians granted entry to Canada. A Joint Working Group on Graduates of Foreign Medical Schools was established to come up with concrete means of restricting entry of foreign-trained doctors. The Working Group reported in October 1986; its recommendations were approved, with a few amendments, by the Conference of Deputy Ministers of Health in February 1987 (Joint Working Group on Graduates of Foreign Medical Schools 1987; Seward and McDade 1988). The Report of the Working Group will be discussed here in some detail to establish the context in which provincial litigation and public debate have taken place.

The Report stated that at any one time about 700 graduates of foreign medical schools[8] are seeking internship positions in Canada as a step toward licensing. Of these approximately 400 are resident in Ontario, 150 in Quebec and the remainder in other provinces. The Report goes on to explain that at the same time as these numbers await internships, in most provinces authorities have concluded that the number of physicians being trained in the province is sufficient to meet national as well as provincial needs. As its first recommendation, the Working Group demanded provision of better information to foreign doctors prior to immigration to Canada. They proposed to achieve this by strengthening the language in the statement immigrant doctors sign before coming to Canada. The proposed statement was approved by the Minister of State for Immigration and adopted on March 27, 1987 (see Appendix B).

In its most crucial recommendation, the Working Group discusses the procedures by which foreign-trained graduates are evaluated and awarded internships. It suggests that the MCCEE, which is written by prospective immigrants to Canada, should be expanded to include "... evaluation of clinical skills and assessment of patient and professional communication capabilities for patient care" (Joint Working Group 1987, 6). In essence this recommendation calls for inclusion of a subjective standard of evaluation in an otherwise objective written exam. If policy makers were to acknowledge the need for culturally sensitive provision of health care in a multicultural society such as Canada, foreign-trained doctors could benefit from such a revision in the evaluation framework (Seward and McDade 1988). This issue was not addressed, however, by the Report of the Working Group. A language proficiency test would also be administered prior to granting of an internship.

At the internship stage of certification, provinces are encouraged in the Report to provide internships dedicated (restricted) to foreign-trained graduates only to the extent that human resource needs in the province cannot be met by licensed physicians or Canadian physicians-in-training. The Report further recommends that internship should be conditional on completion of *pre*-internship training programs designed to evaluate and upgrade clinical skills. In the provinces of Ontario, Quebec, and Manitoba such programs have already been established. The Report also encourages the provinces to adopt the policy

of requiring interns to commit to practise in remote areas of the province in return for the award of an internship. This practice is currently most common in Quebec.

The Working Group concludes with recommendations for the treatment of two other groups of foreign-trained doctors: persons who enter Canada on temporary employment authorizations for the purpose of pursuing post-graduate training in a Canadian hospital; and persons who enter on temporary employment authorizations to work in underserviced geographic and specialty areas. On January 1, 1985 there were 932 trainees in the former category; in the latter category there are approximately 300 authorizations granted annually (Joint Working Group 1987, 9 and 11). The Working Group is concerned that although both groups enter Canada with the intention of returning home, an estimated 25 per cent to 50 per cent are eventually able to gain permanent resident status and thereby further swell the supply of physicians in Canada. The Working Group offers various recommendations to stem the flow of these temporary workers into Canada, and to ensure the return abroad of those who do enter.

The Canada-wide lack of internships for foreign-trained graduates, together with the adoption of specific measures detailed in the Report, have prompted heated debate in the media and in the courts.

In British Columbia in 1985 there were 100 internship positions available to all types of candidates in seven approved hospitals. Of these fifteen were reserved for graduates from other provinces of Canada and from outside the country. Given the high level of demand for these reserved positions, respondents to a survey reported that foreign-trained doctors were being told by some hospitals that they did not stand a chance of securing an internship and that the situation would not improve for years (Fernando and Prasad 1986).

The province of Manitoba began an experimental program in January 1985 in response to public dismay at the plight of refugee physicians unable to secure internships in the province. Each year since 1985 four refugee doctors have been given places in the final year of the University of Manitoba's medical program. The students complete the year, referred to as a clerk's term, then undertake a full year as interns. The province of Nova Scotia also funds two internships annually for refugee doctors (Joint Working Group 1987; *The Citizen* 1986).

In Ontario the issues of pre-internship training and dedicated internships for foreign-trained graduates were fully aired in the proceedings of a challenge in the Supreme Court of Ontario by a group of doctors trained in Poland (*Jamorski et al.*v. *Attorney General of Ontario* 1987). In his reasons for judgement, Mr. Justice Hughes related the legislative background to the case as follows. Prior to 1985 the applicants, all graduates of Polish medical schools who had passed the MCCEE, would have been qualified to apply for internships. In 1985 the provincial government promulgated a regulation under the *Health Disciplines Act* that made graduation from an accredited medical school in the United States or specified Commonwealth countries a prerequisite for licensing in Ontario. The former practice of recognizing schools on the WHO list was discontinued. As a result of public pressure the regulations were changed again in February 1987 to provide a limited number of positions (24) in a pre-internship program, during which candidates would be evaluated for further training in a two-year internship. These positions were made available exclusively to

graduates of unaccredited medical schools. The pre-internship program involves a rotation process occurring over a 36- to 48-week period, which is similar to the clinical clerkship pursued by Canadian-trained graduates in their final year of medical school.

The applicants argued that the requirement for pre-internship training, as well as the restriction of such pre-internships to 24 per year, infringe equality rights guaranteed by the *Canadian Charter of Rights and Freedom*. The court did not agree, finding that although the legislation is discriminatory, it is reasonable. Mr. Justice Hughes found that the objective of ensuring the efficiency of Ontario post-graduate medical education in the interests of Ontario medical school graduates outweighed the adverse effect imposed upon the applicants.

The province of Quebec has maintained a similar system of pre-internship training for a restricted number of foreign-trained doctors who, if successful, go on to complete a standard medical internship. The number of positions had been set at 30 per year but was increased to 45 positions per year for the three-year period 1986-87 to 1988-89. In 1984 a special regulation was passed stipulating that 20 of the foreign-trained candidates must sign an agreement to serve three years in one of the outlying regions of Quebec where doctors are in short supply. Anyone failing to respect the conditions of the agreement would be forced to pay a $50,000 annual penalty for each year not served.

Andrew Dlugosz, a doctor educated in Poland and turned down for internship in 1983, challenged the regulation and won his case in the Quebec Court of Appeal on October 14, 1987 (Laurent 1987). The judges ruled the government could not adopt such far-reaching measures simply by introducing a regulation, which is a decree approved by Cabinet. Determined to retain the system established in 1984, the government introduced legislation that achieves the same effect. Bill 97, an Act to amend the Act respecting health services and social services (1987), enables the government to require any foreign-trained candidate for internship to sign a return-in-service agreement. Candidates for internship who have been trained in Quebec may also be required to serve in specified regions, although there is a limit (25 per cent) on the number of interships for Quebec graduates that can carry this requirement. The practice of establishing quotas for the number of foreign-trained doctors to be admitted to pre-internship training was not addressed by the Court.

Newfoundland is the only other province that funds dedicated internships for foreign-trained graduates (2 positions in 1985).

In the provinces without pre-internship programs and/or dedicated internships, immigrant doctors must compete with Canadian-trained graduates for available internships. Statistics on the activities of the Canadian Intern Matching Service (CIMS) suggest that foreign graduates are not faring well. The CIMS is co-ordinated by the Association of Canadian Medical Colleges and is responsible for filling the vast majority of internships available in Canadian teaching hospitals. In the 1986 matching program, 506 foreign graduates registered for internships, yet only 22 (excluding U.S. graduates), or 4.3 per cent of the total, were successful (Joint Working Group 1987, 7).

(ii) Dental Profession

In Ontario two foreign-trained dentists have alleged discrimination by the National Dental Examining Board of Canada on the basis that different standards of evaluation are used for graduates of Canadian dental schools than for graduates of foreign schools. The certification exam in dentistry consists of three parts: written, pre-clinical and clinical testing. The foreign-trained dentists have failed the clinical portion of the exam, they allege, because of discrimination on the grounds of place of origin. The Ontario Human Rights Commission decided in 1985 to proceed with an investigation of this complaint. Shortly thereafter, the National Dental Examining Board began court proceedings to have the Ontario Human Rights Commission denied jurisdiction to investigate the complaint. The Commission cannot, therefore, proceed with the complaint until the court has ruled on its jurisdiction.[9]

(iii) Engineering

In the absence of litigation on any admissions dispute between a foreign-trained engineer and provincial engineering association, only tentative comments can be made for this profession.

Canadian-trained engineers complete an undergraduate degree in engineering, followed by two years of practical training under qualified engineers. They are then required to pass a professional practice examination to achieve licensing as a Professional Engineer.

The academic qualifications of foreign-trained engineers are evaluated by the Canadian Council of Professional Engineers (CCPE). It would appear that the outcome of this evaluation has a significant impact on the length of the certification process.

A study of the profession in British Columbia revealed that the CCPE, in conjunction with Employment and Immigration Canada, has established a system for ranking foreign training. Accredited schools are included on a "priority list" for acceptance of credentials. Programs excluded from this list are considered not sufficiently similar to engineering programs offered in Canada. Applicants from accredited institutions are eligible to write confirmatory technical examinations. Applicants from other institutions are required to complete certain courses and then are examined more extensively.

Significant differences between the registration requirements for Canadian-trained applicants and those for accredited and non-accredited foreign-trained applicants arise at the next stage of the process. As mentioned, Canadian-trained applicants must have two years of satisfactory experience prior to licensing. Requirements for other applicants vary across Canada. For example, in British Columbia foreign-trained graduates of accredited schools must have three years of satisfactory experience. Graduates of universities that are not recognized must have eight years of satisfactory practical experience, even after they have successfully completed all examination requirements (Fernando and Prasad 1986). It should be emphasized that without more information and better knowledge of the profession, it is not possible to judge the merit of these differences in the entry processes for different types of

applicant. It is possible, but not proven, that these requirements constitute an unreasonable barrier to access by foreign-trained engineers.

The foregoing discussion of barriers to entry in the professions of medicine, dentistry and engineering is based in part on litigation, but also on anecdotal evidence. The complexity of regulation of the self-governing professions and seeming lack of systematic data on applicants for entry to the professions has, until now, precluded a comprehensive investigation of entry procedures. However, the recent appointment of a Task Force on Access to Professions and Trades in Ontario suggests that considerably more information on this issue will soon be available. The Task Force was announced by the government of Ontario on October 22, 1987 and fulfils the promise that the Abt Report would be followed by a more intensive investigation of entry barriers. The Task Force, chaired by Professor Peter Cumming, has been given a broad mandate to review all rules and practices affecting entry to the professions and trades to determine whether there are actual or potential discriminatory effects on persons with training or experience outside Canada and, in particular, on racial minorities and ethnic groups. Such rules and practices will be investigated further to determine whether they are necessary to maintain occupational standards and, if not, how they could be changed. The Task Force is explicitly empowered to consider the need for better support services for foreign-trained persons who are justifiably required to retrain in Canada (Sardy 1987). Existing support services in Canada are discussed in a separate section of this paper.

Although the Task Force investigation will be restricted to Ontario, it is probable, on the basis of similar practices in the trades and professions of other provinces, that its recommendations will have broader applicability. The investigation will most certainly provide a model for other provinces interested in pursuing this issue in the future.

Part Three: Investigation of Barriers by Human Rights Commissions in Canada

Each of the federal and provincial human rights commissions was contacted in the course of research for this paper as an additional source of information on the extent and nature of barriers to entry in the trades and professions. Although the first recourse of an aggrieved applicant is to appeal to a review committee or arbitration board of the profession concerned, very little information on the content and resolution of such complaints is available. At the same time there appears to have been limited litigation on this issue in Canadian courts. (Court challenges to practices in the dental and medical professions were discussed in Part two.)

Human rights commissions have the potential to serve as an additional avenue of redress for professionals and tradespeople unable to achieve recognition of their foreign credentials. All commissions have jurisdiction to investigate complaints of discrimination in employment. The prohibited grounds of discrimination vary in each jurisdiction; grounds relevant to credentials complaints may include one, or a combination of, national or ethnic origin, ancestry, nationality or citizenship, and place of origin. If there is adequate cause, a board of enquiry will be appointed by a given commission to hear the complaint. Although the legislated powers of boards vary by province, most may award compensation to a complainant with respect to out-of-pocket losses, and may also award damages for humiliation, pain and suffering caused by discrimination. If the respondent (i.e., professional association) is required to comply with the human rights code of a province such as Ontario, changes in the general policies and procedures of the respondent may be required, in addition to the specific relief granted the complainant (Minor 1987). By comparison, if the complainant takes his or her case to court, the court has the power to reverse the decision of the licensing body or to declare the legislation governing the profession to be unconstitutional; the remedies available to a commission may therefore be more extensive. The availability of extensive remedies and easy public access to human rights commissions could therefore be expected to make this a popular forum for the grievances of foreign-trained professionals.

Contact with the commissions revealed that surprisingly few complaints had reached the board of enquiry stage, at which point there is public disclosure of the details of the case. The activities of each of the provincial commissions are summarized below. (See Appendix C for list of contacts at provincial commissions.)

The Ontario Human Rights Code (1982) goes beyond the generic ban on discrimination in employment by specifically prohibiting self-governing professions from excluding anyone from membership on the basis of ancestry or place of origin. Since 1982 the Ontario Human Rights Commission has investigated 30 complaints filed against professional associations and 10 against the Ministry of Skills Development, which is responsible for trades certification (Gaspar 1987). For reasons of confidentiality details of these cases are not available.

There is the potential for the Ontario Commission to become involved in the debate over provision of medical internships to foreign graduates. The Commission is currently assessing the implications of the court's findings in the case of *Jamorski et al.v.Attorney General of Ontario* (see the earlier section on the medical profession). On the basis of this assessment, the Commission will decide whether to proceed with a complaint initiated by itself against the Ministry of Health. In the past the Commission has fielded numerous inquiries from foreign-trained doctors.

Only Prince Edward Island has convened a Board of Enquiry to investigate a complaint involving the credentials of a foreign-trained resident of the province. In the complaint a nurse schooled and licensed in the Philippines was refused a temporary or permanent licence to practise nursing by the Prince Edward Island Nurses' Association. Sixteen years prior to the complaint the same woman had been recruited by a hospital in another province; she had practised nursing in Canada throughout the intervening years. The merits of the case were never discussed publicly because an undisclosed settlement between the parties was reached before public hearings could be convened (Prince Edward Island Human Rights Commission 1986). This case raises the additional issue of inter-provincial barriers to the mobility of both Canadian- and foreign-trained professionals and tradespersons (see Part six).

In Saskatchewan there have been four documented complaints over the past six years. None has been heard publicly by a board of enquiry. The cases involved an Iranian dentist trained in the Philippines, an East Indian doctor, a Polish doctor and a nurse from Ethiopia. In the cases of the dentist and East Indian doctor, poor references from past teachers or employers were found to lend validity to denial of certification by professional associations. The Polish doctor made a technical complaint that British bias was evident in the qualifying exam of the MCC; the complaint was not substantiated. In the final case, the foreign-trained nurse withdrew her complaint prior to full consideration of its merits.

In Nova Scotia there have been informal complaints by East Indian teachers who find themselves unable to advance to administrative positions in the school system because of a failure to recognize their previous work experience. The Nova Scotia Human Rights Commission has not proceeded with these complaints because it accepts the school board's competence to assess the worth of prior work experience.

Officers of all the other provincial commissions reported that no formal complaints have been made, and information on the nature and volume of informal inquiries on the subject is quite vague.

To determine why a large number of complaints have not been formally investigated by the human rights commissions, more extensive research into commission procedures would be required. However, interviews with commission officers do suggest that human rights officials have hesitated to interfere with the assessment procedures used by the various associations involved in complaints. It is therefore possible that valid complaints cannot be substantiated because commissions are unwilling to question the use of specific procedures for entry to the professions. In interviews with the author of this paper, officials suggested that racist remarks must be combined with certification difficulties to justify a complaint. Many commissions obviously do not feel competent and/or empowered to question the absolute right of a professional association to designate some persons as being unqualified to practise that

profession. Taken in this context the dearth of formal investigations by commissions is less surprising.

Part Four: Support Services for Immigrant Tradespersons and Professionals

The support available to skilled immigrants as they pursue recognition of their credentials depends to a great degree on the class of immigration under which they are accepted for entry to Canada. There are three classes of permanent residents: the Family Class; Convention Refugees and Designated Classes; and the Independent Class.

Immigrants in the Family Class are sponsored by close relatives, who agree to provide for the lodging, care and maintenance of the immigrant and accompanying dependants for a period of between one and ten years. Applicants in this class must meet basic standards of good health and character, but are not assessed according to education or other occupational qualifications (Canada, Employment and Immigration 1986b).

Convention Refugees and Designated Classes are accepted to Canada on humanitarian grounds. They are persons who meet the definition set out in the Immigration Act, which is based on the United Nations Convention Relating to the Status of Refugees; or belong to other persecuted and/or displaced groups that have been named by the federal government. Officials use a variety of background information on these persons to determine how easily and successfully applicants can be expected to adapt to Canadian life. Thus, the occupational qualifications of an applicant may be considered but will not be explicitly ranked relative to those of other applicants.

Finally, the Independent Class includes several categories: Business Immigrants, Retirees, Assisted Relatives, and Other Independent Immigrants. Principal applicants in the Assisted Relative and Other Independent categories are admitted on the basis of accumulating a minimum number of points from a range of factors, including education, skills, experience, occupation, arranged employment, age, and knowledge of official languages. The factors and the weight attached to each have varied over time. Retirees are, of course, not expected to enter the labour force and are therefore not assessed on the basis of the point system.

There are three components in the Business Immigrant category: Self-employed, Investor and Entrepreneur. The latter two groups are not subject to the point system, but must submit information and business proposals establishing that they are bona fide business persons (Nash 1987). Self-employed persons include farmers, artists, sports personalities and operators of small business outlets. These persons are also considered for immigration on the basis of their business intentions.

Immigrants in the Family Class, Convention Refugees and Designated Classes, Retirees, and Business Immigrants do not, as a rule, undergo a rigorous assessment of their academic attainment and professional/trade certification prior to arrival in Canada. That is, when prospective immigrants apply for entry to Canada from abroad, immigration officers do

not have to verify academic and occupational credentials, since these credentials are not the basis on which these groups of immigrants are admitted.

However, those in the Assisted Relative and Other Independent categories begin the process of achieving recognition of qualifications as part of their application for immigration, before they have even left their home country. Before describing the procedures undertaken by these Independent immigrants, it should be noted that they have constituted a significant proportion of the total immigration to Canada in recent years. In 1986 principal applicants and their dependents in the Assisted Relative and Other Independent categories accounted for 28.8 per cent of total immigration. Immigrants in the Family Class and Refugee and Designated Classes accounted for 42.5 per cent and 19.3 per cent respectively. Business Immigrants and Retirees together represented 9.4 per cent of total immigration (Canada, Employment and Immigration 1987c). For 1988 a slight decline has been projected for immigration in the Family Class and a slight increase in immigration in the Independent Class, with Refugee and Designated Classes remaining roughly constant (Canada, Employment and Immigration 1987a).

The CEIC Immigration Manual states that Independent applicants who must be licensed in Canada to practise their profession are required to obtain evidence from the authorities in the province in which they intend to settle that they will be able to meet the licensing requirements (Canada, Employment and Immigration 1987b, IS 4.13). Essentially, this is a directive to visa officers abroad to assure themselves of the applicant's ability to work in his or her stated occupation once in Canada, before awarding the number of points specified for that occupation. The Manual goes on to say that in cases where the officer knows from experience that the applicant's qualifications are adequate (or inadequate) for licensing, he/she may approve (or deny) the application without formally referring the applicant to the provincial authorities or relevant association.[10]

In practice, visa officers are provided with general information on occupational entry requirements in the provinces of Canada. This information rapidly becomes out of date and cannot possibly inform the officer of all of the particular circumstances that determine whether a given individual will ultimately be licensed. Similarly, if provincial licensing authorities are contacted by the applicant or visa officers they can advise, but cannot guarantee, that the applicant's qualifications will lead to licensing once in Canada. Although in some professions an evaluating exam may be written abroad (e.g., the MCCEE written by immigrant doctors), other requirements for licensing, such as demonstration of practical skills or residency in the province, can only be fulfilled once the person has landed in Canada. At the time of immigration, Independent applicants who require licensing will have been selected on the basis that their chances for achieving licensing are good. Regardless of this, all are required to sign a form as part of the immigration process stating that the immigrant understands that acceptance into the practice of his or her profession or occupation in Canada is in no way assured (see Appendix D).[11]

The counselling and application process for Family Class, Refugee and Business immigrants differs from that described above. Because they are not accepted into Canada on the basis of occupational qualifications in a trade or profession, the question of a skilled immigrant's ability to achieve licensing in Canada is not verified by the visa officer. However, any applicant in any class who declares a desire to practise a profession or trade in

Canada is counselled by the visa officer as to the general requirements for licensing in that occupation. All immigrants whose occupation is known and is subject to licensing, including those immigrants not assessed on the point system, are required to sign the statement reproduced in Appendix D.

Once in Canada, skilled immigrants must begin the process of seeking recognition of their credentials. Independent immigrants may already have contacted the relevant Canadian licensing authorities from abroad and may have written evaluating exams. However, many immigrants will have had no contact with licensing officials and only the vaguest notion of how to proceed with licensing.

Immigrant service organizations frequently have contact with the immigrant at this stage. Many operate job-finding programs or clubs and offer individual counselling on the process of gaining employment.

The first stage in gaining recognition is the evaluation of academic qualifications and determination of Canadian equivalency. In all provinces, the evaluation of elementary and secondary education is relatively straightforward. The appropriate ministry of education assesses the academic qualifications of anyone planning to enroll in education up to the secondary level or of anyone, such as a tradesperson, who requires verification of high school education as part of the certification process. However, beyond this level of education provincial services vary.

In Ontario and Quebec a central bureau provides evaluation services for immigrants with post-secondary education. In Manitoba trained immigrants selected for participation in a special employment program are assisted to find work in their chosen occupation. Each of these provincial support services will be described in detail, followed by a brief description of the decentralized services available in other provinces.

In Ontario, the Comparative Education Service of the University of Toronto assesses the Canadian equivalency of the education of foreign-trained persons who wish to pursue further education or who are seeking employment anywhere in Canada (Kindiakoff 1987). The Service was founded in 1964 and was initially free to everyone; recently a $25.00 fee has been introduced to cover administrative costs. Evaluation materials used by the Service include international publications on comparative education, many of which are published in the United States. The Service has occasionally participated directly in evaluation projects abroad, such as a recent fact-finding mission to Central America sponsored by the U.S.-based project for International Education Research.

The Director of the Comparative Education Service reports that enquiries from foreign-trained persons seeking employment are received from across Canada. To her knowledge the service is the only one in Canada outside Quebec that offers an equivalency assessment for *employment* purposes. (Persons seeking university or college entrance are routinely assessed by the school to which they have applied. If the school does not have adequate information to conduct the assessment the applicant may then be referred to the University of Toronto.) The applicant's academic standing is stated in terms of its Canadian university or college degree equivalent.

The Service does not extend beyond providing a statement of equivalence. Applicants who are pursuing licensing are given the name and address of the appropriate licensing body, but no intervention is made by the Service on behalf of the applicant. In general the Service has only minimal contact with professional associations and is in no way involved in the assessment of professional qualifications or eligibility for trades certification (Kindiakoff 1987). Finally, the statement of equivalence provided by the University of Toronto Comparative Education Service is perceived only as advisory information by any university or association to which it is presented by the applicant. All institutions of higher learning and self-governing professions have the discretion to accept or disregard the Service's assessment of an immigrant's educational qualifications. The degree of acceptance of assessments provided by the Service is therefore unknown.

The Abt report did not provide a specific evaluation of the University of Toronto service. However, the authors did find that the information on academic equivalency currently available to professional organizations in Ontario is inadequate. The report makes a major recommendation for establishment of a central repository of information on degrees and equivalencies. The United States is cited for its major investments to assemble a comprehensive list of universities and programs and to gather reliable and credible information about comparability. The authors acknowledge that a central repository would be costly to maintain, but argue such a service would reduce the subjective judgement inherent in documentation review by the associations (Abt Associates of Canada 1987, 106-107). This recommendation is likely to be pursued by the Cumming Task Force in Ontario and could result in changes in the evaluation services currently available in the province.

Quebec is the only province in Canada that operates a public sector comprehensive equivalency information service. The Service d'évaluation et de référence scolaire et professionelle is part of the ministère des Communautés culturelles et de l'Immigration. Its services are available to all immigrants in Quebec and to all organizations that serve an immigrant clientele. The Quebec service is a significantly larger operation than the one-person service provided at the University of Toronto; there are four offices serving the various urban centres and regions of Quebec.

The Service includes two divisions: the Division des équivalences and the Division de l'orientation et de la référence scolaire et professionnelle. The latter functions as a general information centre for recent and long-term immigrants who wish to study or work in Quebec. It therefore acts as a centralized resource for local immigrant service organizations by providing information on the Quebec school system, post-secondary education, requirements for practising a trade or profession, and the labour market. Immigrants who require an assessment of their educational qualifications to pursue further education or vocational goals are referred to the Division des équivalences.

The Division des équivalences issues official certificates of equivalence on behalf of the Ministry of Education. These certificates indicate the Quebec level, stated in terms of years of scholarity, corresponding to the studies pursued outside Quebec. While the *attestation d'équivalence* issued on government letterhead in Quebec has a more authoritative appearance than the letter provided to applicants by the University of Toronto, in both cases

educational institutions and professional organizations have the discretion to disregard the equivalency statement.

Two additional features of the Quebec service should be noted. First, the service has the financial and human resources to collect current and comprehensive information on international education programs. The Division des équivalences has memberships in 13 associations of international comparative education and is represented on the World Education Committee in Washington. The staff are able to work on related issues, such as investigation of fraudulent documents, and to maintain contact with the F.B.I. for this purpose (Zinman-Madoff 1987). Finally, the Division des équivalences is used by professional corporations (associations) and trade associations as a source of information on foreign systems of education.

In Quebec, liaison between government officials familiar with the problems of immigrant workers and officials responsible for regulation of the professions is assured by a protocol of understanding signed in 1974. This protocol between the Office of Professions and the Department of Immigration established a permanent consultation mechanism to address any problems related to the right of immigrants to exercise their profession. This form of intra-governmental consultation has not been possible outside Quebec, in part because responsibility for immigrant settlement and for professional regulation have not been assigned to specific ministries, as is the case in Quebec. In their report on entry procedures, Abt Associates suggested that improved communication between evaluation experts and professional associations would facilitate more objective evaluation of foreign-trained professionals in Ontario.

A separate initiative recently undertaken in Quebec could have implications for the evaluation of foreign credentials. The Fédération des CEGEP has received funds from the federal government under the Innovations Program of the Canadian Jobs Strategy for a project entitled "Recognition of Non-Academic Learning Experience: Tie-in Between the Labour Market and the Educational System". The impetus behind the project is the desire to increase the clientele of colleges by attracting adults and workers whose educational qualifications do not meet standard college prerequisities. A process called prior learning assessment is being developed to give prospective students credits for personal study, attendance at courses sponsored by other organizations, work and various life experiences (Isabelle 1987). It is possible that this effort in Quebec will lead to better methods of evaluating foreign work experience in the professions and trades and could ultimately benefit immigrants pursuing licensing. The project is in its initial stages and should be monitored for applicability to the credentials issue.

The province of Manitoba provides some assistance to immigrants seeking recognition of credentials but does not provide a centralized evaluation service. In 1984-85 the Ministry of Employment Services and Economic Security launched Program Recognition within the Manitoba Jobs Fund. The program has two major objectives: first, to provide wage assistance to private sector employers to assist in the creation of meaningful employment opportunities for unemployed and/or under-employed skilled newcomers; and second, to assist newcomers in their quest for academic equivalency or professional/technical accreditation, by identifying and obtaining appropriate training (Mehzenta 1987).

Program Recognition was established after representations were made to the Manitoba government by various ethnic communities in the province. The program has assisted 50 professionals and technicians toward licensing and accreditation. Referral and counselling services have also been provided to more than 600 newcomers.

On a case-by-case basis Program Recognition provides significant assistance to selected newcomers. In addition to a wage subsidy (for a maximum of 52 weeks, not to exceed $8,640), the program provides administrative grants to offset the cost of certification exams and subsidies for occupational training and technical language training courses. However, the funds available to the program are limited to an initial commitment of $150,000 per fiscal year for a total of three years beginning in 1985-86. Employment subsidy assistance is restricted to immigrants seeking positions in specified functional areas of the economy (e.g., engineering and science). These areas were selected to recognize activities that are key to the growth and development of both the Manitoba economy and individual businesses. The Program does not have the mandate or the resources to carry out complex assessments of academic equivalency; officials are assisted in this task by university registrars in the province. In cases where academic credentials cannot be verified by the university, program officials use their discretion to determine the immigrant's eligibility for assistance.

Recent developments in Manitoba suggest the government may be preparing to expand the services offered to immigrants experiencing problems related to recognition of credentials. The Education Department announced in November 1987 that it would study the issue by hiring a consultant in early 1988. Education officials have said that immigrants in Manitoba face built-in hurdles that can be changed without lowering professional requirements (McFarland 1987). Terms of reference for the study have not yet been released.

Throughout Canada, university and college admissions officers and registrars evaluate the equivalency of the foreign academic qualifications of university applicants. Many advise immigrant service organizations, licensing organizations and government employment officials, although they have neither the resources nor the mandate to provide this kind of public service. Even if the provision of equivalencies is restricted to prospective students, the collection and consideration of information on international education is both expensive and time-consuming. Depending on the resources available to them, educational institutions may have detailed knowledge only on the most common academic programs pursued in the countries that are among the major sources of immigration to the province. (It is expensive to update even a limited resource base of this kind.) Applicants with uncommon training and/or who have emigrated from less known regions of the world may face a purely subjective and individualized assessment of their credentials.

The Association of Universities and Colleges of Canada (AUCC) attempts to fill such gaps in the information on various parts of the world. The AUCC uses third-party documents, that is, publications prepared in the United States and the United Kingdom, for most of the advice it provides to institutions assessing equivalency. With partial funding from the Secretary of State, the AUCC was able to participate directly in a U.S. visit to India, Pakistan and Southeast Asia for the purpose of gathering information on education systems. Other work has included collaboration with the Association of Registrars of Universities and Colleges (ARUC) in the United States, which has investigated programs in Central America.

The AUCC draws particular attention to the expense involved in conducting first-hand research in the countries of origin of Canada's immigrants (Egron-Polak 1987).

Aside from the information and services organized by universities and colleges, provinces other than Manitoba, Ontario and Quebec do not provide support services for immigrant professionals having problems obtaining recognition of their credentials. It appears that none of these provincial governments has assigned a specific ministry or office responsibility for global monitoring of the nature and extent of the credentials problem, nor have they dedicated resources to alleviating the problem. In each province a variety of ministries participate in the certification of certain professionals and maintain liaison with professional associations. Ministries of education establish criteria for the certification of teachers, for example, while ministries of health are involved in the certification of physicians, nurses and dentists. Immigrant service organizations continue to confront the credentials problem on behalf of their clients, yet have limited resources and little technical expertise in comparing foreign credentials to Canadian requirements.

Immigrants who are informed by employers that they require additional training for licensing are only rarely assisted in developing and pursuing a program of study (see description of Manitoba's Program Recognition, above). Generally, retraining is undertaken on the basis of the combined advice of the licensing body and college or university officials. Financial assistance with industrial or institutional training is available to immigrants on the same basis as other Canadians if they meet the eligibility criteria of one of the programs under the Canadian Jobs Strategy, operated by Employment and Immigration Canada.

Part Five: Federal Policy Issues

(a) Review of the Recommendations of Federal Bodies

The issue of foreign credentials was first discussed at the national level in 1981 at the first Canadian immigrant women's conference. This section reviews the recommendations of this conference and of subsequent national committees and commissions that have articulated a role for the federal government in resolving problems related to the unemployment and under-employment of skilled immigrants.

In 1981 immigrant women asked Employment and Immigration to undertake a major research study to document the range of skills, education and training brought to Canada by immigrant women. It was suggested that such research include an analysis of the barriers immigrant women face in acquiring Canadian accreditation in their chosen professions. The federal and provincial governments were asked to collaborate in the provision of financial assistance for advanced language training and professional upgrading (Canada, Multiculturalism 1981).

The government did not act on the specific recommendations of the immigrant women's conference, but it was soon confronted by similar recommendations in the report of a parliamentary committee. The Special Committee on Visible Minorities in Canadian Society heard in submissions that the evaluation of foreign credentials in Canada is such that minority immigrants are prevented from becoming licensed or from receiving recognition for their credentials. Calling the current state of affairs in Canada "haphazard, arbitrary and inequitable", the committee made the following recommendation:

> The Federal Government should, in co-operation with the provincial governments, investigate the methods and organizations for evaluating non-Canadian degrees and credentials, and the licensing and other practices of professions, trades and apprenticeships (Canada, House of Commons 1984, 41).

The government's immediate response to this recommendation was a commitment by the Minister of Employment and Immigration to discuss with his provincial counterparts "the feasibility of joint action in this area" (Canada 1984, 7). A later progress report on the government's response to the committee's report was issued in 1986. Here the government asserted the jurisdiction of *provincial* governments in dealing with educational equivalency, as well as professional and technical standards. This disclaimer was followed by a description of Secretary of State funding for the AUCC study on equivalency discussed earlier in this paper. Employment and Immigration also reiterated its interest in working with provincial licensing authorities to establish the Canadian equivalency of education obtained outside Canada (Canada, Multiculturalism 1986).

The response of the government to the findings of the Committee on Visible Minorities should be assessed in the context of Judge Rosalie Abella's *Report of the Commission on Equality in Employment*, which was also released in 1984 (Abella 1984). Judge Abella makes reference to the problem professionals encounter with credentials. She attributes the under-

employment of immigrant professionals to the "insularity of some professional organizations" (p. 50), which is one source of the arbitrarily exclusionary systems that immigrants face. Referring to society's responsibility to eradicate discrimination for all minority groups, Abella calls for provision of adequate language and skill training for immigrants, "bias-free mechanisms for determining the validity of foreign credentials and experience, and vigilant regard for whether employers are unreasonably making Canadian experience a job requirement" (p. 47).

More recently, the issue of foreign credentials was raised again in the context of federal responsibility by the Standing Committee on Multiculturalism (Canada, House of Commons 1987). The Committee calls on Health and Welfare Canada to work with professional associations in order that dentists and doctors with foreign credentials might be able to establish themselves in similar professional practice in Canada. In its more general recommendation the Committee reiterates the need for federal involvement in resolving all problems pertaining to foreign credentials:

> The Standing Committee recommends that the federal government take a lead advocacy role in examining licensing and accreditation practices and in working with professional associations to enable immigrants to establish themselves professionally in Canada (p. 38).

(b) Multiculturalism

Recent initiatives by the federal government in the area of multiculturalism policy suggest the issue of immigrant credentials may become increasingly difficult for the federal government, and specifically the Secretary of State, to ignore.

On December 1, 1987 Secretary of State David Crombie, the Minister Responsible for Multiculturalism, tabled Bill C-93, An Act for the preservation and enhancement of multiculturalism in Canada. If it becomes law, the bill, to be known as the *Canadian Multiculturalism Act*, will require the Government of Canada to

> 3.(c) promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to such participation . . .

While the Act is intended to enshrine in law Canada's existing multiculturalism programs and services, it does create a more explicit basis for federal participation in resolving the credentials issue than has existed previously. As articulated in 1971, the former federal multiculturalism policy committed the federal government to assisting groups to overcome "cultural barriers" to full participation in Canada society (Canada, Secretary of State 1987, 12). The new reference to elimination of "any barriers" is arguably more inclusive of barriers to employment, such as entry procedures in the trades and professions.

As critics of the proposed multiculturalism bill have noted, the Act would not establish additional machinery in the form of an independent monitoring organization or ministry, nor would it provide for additional funds or powers through which the objectives of the Act would

be pursued. Although the bill does not, therefore, suggest the means by which the federal government can involve itself in the problem of immigrant credentials, the Act would ensure that interested organizations and observers have a renewed expectation of federal action.

(c) Human Rights

The federal commitment to multiculturalism is not only an independent policy initiative but also an expression of federal responsibility for the preservation of human rights. It is therefore useful to describe provisions of national and international human rights law with potential application to the credentials issue.

Federal jurisdiction in the area of human rights flows from the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act*. The Charter, which is part of the *Constitution Act, 1982*, guarantees every individual equality before and under the law and the right to equal protection and equal benefit of the law (s.15). The Charter has been invoked in the courts by foreign-trained professionals who have challenged entry processes in the medical profession.

In addition to the equality rights provision of the Charter, the federal government maintains a continuing commitment to the equal participation of all members of Canadian society. This commitment is articulated in section 2 of the *Canadian Human Rights Act*:

> Every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour . . .

The Canadian Human Rights Commission (CHRC) has the authority to initiate a complaint against an employer under federal jurisdiction whose employment practices result in barriers to persons protected by one of the proscribed grounds of discrimination. The CHRC has accordingly been involved in inquiries stemming from the alleged non-recognition of foreign credentials by the Public Service Commission and Canada Employment Centres. To date, these inquiries have not resulted in the convening of a public hearing into this issue (Young 1987). However, the CHRC will be better able to assess federal employment practices when it begins receiving data to be reported under the provisions of the *Employment Equity Act* (1986). This Act commits federally-regulated employers with 100 or more employees to submit reports on the employment status of four designated groups — women, aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, members of a visible minority in Canada.

Because professional associations and trade certification bodies do not fall under federal jurisdiction, any future activity by the CHRC in initiating complaints will be useful primarily as an illustration of potential barriers created by the employment practices of employers that are not federally regulated. In addition, however, the CHRC has been granted the more

general power to endeavour by persuasion, publicity or any other means it considers appropriate to discourage and reduce discriminatory practices throughout Canada.

Finally, federal concern for the recogniton of the credentials of persons trained outside Canada can be justified by our international human rights obligations. Since 1976 Canada has been a State Party to the International Covenant on Civil and Political Rights. Article 2 of the Covenant commits Canada to ensuring the rights of all individuals within its territory without distinction on the basis of national origin. Canada has also been a Party, since 1970, to the International Convention on the Elimination of All Forms of Racial Discrimination.

(d) Immigration

In its most recent publication on immigration policy, the federal government lists the many positive effects of immigration on Canadian society (Canada, Employment and Immigration 1987a). For purposes of discussing immigrant credentials, the government's understanding of the impact of immigration on the Canadian labour force is most relevant. The report notes the high level of mobility of immigrants and their strong motivation to work. Despite difficulties in their initial years of settlement, in the long run the unemployment rate of immigrants is comparable to that of the Canadian-born.

The government report also refers to the quality of the immigrant labour force. Skilled immigrants, it is noted, fill shortages in the labour market, thereby breaking bottlenecks and creating other employment opportunities for Canadians. Finally, the report states that immigrants are generally well-educated:

> Canadians gain when persons with valuable training and education immigrate to Canada. Over the post-war period, the education and skills levels of immigrants have enriched our society and improved the performance of our economy (Macdonald Royal Commission, cited in Canada, Employment and Immigration 1987a).

It is evident that one of the major objectives of federal immigration policy is to promote national prosperity through the contributions of a highly motivated and well-educated immigrant labour force. The analysis presented in this paper suggests that the treatment of foreign credentials in Canada has the potential to introduce a major inefficiency into the achievement of that objective. The waste of human and intellectual resources that accompanies the failure fully to recognize credentials is therefore contrary to the goals and acknowledged benefits of federal immigration policy. Any existing problem will be exacerbated annually as new skilled immigrants join the backlog of others in Canada still seeking recognition of credentials.

In terms of the day-to-day implementation of immigration admission procedures, federal immigration officers abroad are involved in the assessment of professionals and tradespersons who are prospective immigrants to Canada. Their decisions are informed by advice received from professional associations and by the officers' general understanding of occupational requirements in Canada and abroad. In light of the existing criticisms of licensing procedures

in Canada, the federal government has a responsibility to examine these criticisms and participate, with the provincial governments, in the resolution of identified problems.

Finally, the Meech Lake agreement and 1987 Constitutional Accord enable federal and provincial governments to negotiate agreements for the provision of reception services to immigrants. Joint federal-provincial resolution of problems related to immigrant credentials would be in keeping with current federal-provincial co-operation in the provision of reception and settlement services and would respect the spirit of the Meech Lake accords.

(e) International Commitment

The federal government plans in future to accede, on behalf of Canada, to the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (1979). Accession to the Convention will commit the federal and provincial governments to working together to achieve greater recognition of international education in Canada. To understand the implications of the Convention for Canada and for the issue of immigrants' credentials it is useful to describe what is known about its application in other countries.

At Helsinki in 1975 the states represented expressed their intention to arrive at the mutual recognition of academic degrees and diplomas and to promote a more exact assessment of the problems of comparison and equivalence of academic degrees and diplomas. In recognition of these goals the UNESCO Convention on Recognition of Studies was adopted in Paris in 1979 (UNESCO 1979). The Convention is explicitly restricted to the recognition of higher education and does not extend to the recognition of other occupational qualifications, such as work experience or professional certification. Indeed, while the academic degrees that lead to professional practice are to be mutually recognized by signatory states, the Convention also states that the holder of such degrees must comply with whatever other conditions are laid down by the government and profession in which he/she wishes to practise.

Many of the countries belonging to the Europe Region are also members of the European Community. As such they are working to abolish all discriminatory measures that restrict the rights of citizens of the EC member countries to exercise a profession on the basis of qualifications obtained abroad.

The achievement of the objectives of the Convention is expected to require each state to establish a national body to facilitate the co-operation and co-ordination of the many universities, other educational institutions and governments that will be involved in implementation of the convention. Every national body is to have the means of collecting all necessary information; alternatively, a national documentation centre is to be established for this purpose.

As of April 1985, 20 states in the Europe Region had deposited instruments of ratification with UNESCO. The Convention has also been adopted by the other five regions of UNESCO; any state has the right to ratify the Convention in other regions in addition to its

own. For example, Australia has recently ratified the Convention in its own region, which is Asia-Pacific, and in the Europe Region as well.

In preparation for Canada's accession to the Convention, the Department of External Affairs has asked posts abroad to provide information on the experiences of host countries that have ratified the Convention (Lynch 1987). Although information from other countries is still scarce, some observations about international practices can be made on the basis of existing UNESCO reports.

National bodies established under the Convention may differ considerably depending on the tasks with which they have been entrusted. A report on practices within the Europe Region provides the following description of national bodies:

> They may have power of *decision* in matters of recognition . . . They may be bodies of a *consultative* nature, responsible for the collection and dissemination of information, or bodies for the *development* of methods and criteria concerning recognition and validation (Chitoran 1985, 109).

Most national bodies are affiliated with the ministries of education of the ratifying countries.

The process of ratification in some countries has reportedly been slowed because constitutional responsibility for education resides at the provincial (or state) level and because of the principle of autonomy governing universities in these countries (UNESCO Executive Board 1986).

These difficulties were experienced by Australia but were overcome, allowing Australia's accession in August 1986. The Australian experience may be instructive because, like Canada, Australia has a federal constitutional system. Any comparison between the two countries must be tempered, however, by the knowledge that, unlike Canada, Australia has a federal Department of Education. At the time of accession, Australia issued a declaration stating that implementation of the treaty would respect the constitutional division of powers. The declaration also noted that higher education institutions, registration boards and professional associations would continue to have responsibility for determining what foreign qualifications are acceptable for admission.

A Council on Overseas Professional Qualifications (COPQ) will *advise* the professions on the recognition of foreign qualifications in Australia, although its primary function is the counselling of prospective immigrants regarding recognition. There are three broad groups of arrangements between the COPQ and the professions:

1. Autonomous councils work with the COPQ to assess credentials by examination in dentistry, nursing, pharmacy and physiotherapy.

2. Panels of professionals and educators established by the COPQ assess credentials by examination in dietetics, occupational therapy, podiatry and veterinary science.

3. Panels of professionals and educators established by the COPQ assess credentials on a case-by-case basis by applying comparative education research and evaluation guidelines in accountancy, architecture, computing, social welfare and teaching.

Although the COPQ was established to help migrants to Australia obtain a fair and just assessment of their qualifications, it has no legal powers for decision making. In addition to its role in assessment of credentials, the COPQ collects and disseminates information on the recognition of foreign credentials and works with the professions to develop procedures for the assessment and recognition of overseas professional qualifications (UNESCO 1986).

In Canada, several years of discussion are expected to culminate in accession to the UNESCO Convention in 1988. At present each of the provinces has agreed to participate in a national body under the terms of the Convention. There is also agreement in principle between the Council of Ministers of Education, Canada (CMEC) and the Secretary of State to undertake joint financing of a commission. The final decision on official accession to the Convention now awaits the attention of the Secretary of State for External Affairs.

The commission, to be administered by the CMEC, is to include representatives of the provincial ministers of education, the Association of Community Colleges of Canada, the Association of Universities and Community Colleges, External Affairs and the Secretary of State. Experts in comparative education and individuals involved in professional accreditation will also participate. It is proposed that the commission be established for an initial three-year period with an annual operating budget of $100,000 to be provided jointly by the federal and provincial governments. At the end of three years all parties will be given the opportunity to evaluate the benefits of continued participation.

The mandate of the proposed CMEC commission would be to:

(a) collect pertinent information from Canadian and foreign sources and act as a clearinghouse for post-secondary institutions;

(b) identify existing resources and establish an information network;

(c) provide information services to prospective employers of persons educated abroad, federal and provincial ministries, professional bodies and private companies; and

(d) make available to foreign countries, international organizations and individuals information on Canadian school systems, and to ensure recognition of Canadian credentials abroad (Douglas 1987).

Officials involved in establishing the commission emphasize that it will have an advisory, as opposed to a decision-making, role. In this respect, educational institutions and professional associations will retain absolute autonomy in matters of recognition. *Upon request*, the commission will advise associations on licensing procedures. There will be no case-by-case counselling of individuals seeking information on recognition from abroad or within Canada. The commission can, however, be expected to keep statistics on the nature

and number of enquiries it receives and on the number of referrals to other organizations. It is hoped the commission will begin work in April 1988.

Part Six: Conclusion and Policy Recommendations

The nature of barriers to recognition of foreign credentials appears to vary according to the occupation, origin and province of settlement of the immigrant. As a result, no one policy response can be formulated to address all the complex, technical problems highlighted in this paper. At the level of policy implementation, any effort to alleviate the problems associated with foreign credentials will be complicated by the need for co-ordinated action by two levels of government representing diverse regions of Canada. In addition, the impact of public policy in this area will be influenced by the actions of professional associations and educational institutions, which have been accorded great autonomy in the administration of entry procedures.

It is perhaps because of the complexity of the issue, the number of independent actors involved, and the jurisdiction of the provinces in employment and education that the federal government has had only limited participation in the resolution of credentials problems. Until now the federal role has been limited to counselling of immigrant professionals and participation in discussions leading up to accession to the UNESCO Convention on Recognition of Studies. Problems associated with credentials are not new in the sense that a variety of investigations have acknowledged that immigrants face significant difficulties in pursuing certain vocations. Only the provinces of Manitoba, Ontario and Quebec have responded to the issue, albeit in quite different ways.

The information presented in Part five of this paper suggests that greater federal involvement in resolving the credentials issue is warranted by reference to the goals of multiculturalism policy, immigration policy, human rights law and international relations. While the following recommendations acknowledge the need for paramount provincial jurisdiction in this area, opportunities for the federal government to take the initiative are also highlighted.

Specifying the Problem

The discussion by policy makers of immigrant credentials cannot proceed without more detailed knowledge of the entry procedures and barriers that exist in the various professions and trades. Ideally, each of the provinces should conduct an inquiry of the type currently under way in Ontario by the Task Force on Access to Professions and Trades. The literature on status attainment and discrimination in employment suggest that data on candidates for admission to various occupations should not only distinguish between foreign-born and Canadian-born applicants, but should also be disaggregated by country of origin and sex. Foreign-born women and immigrants from areas of the world other than the United States and Western Europe may be particularly disadvantaged by current practices. The federal government could initiate, co-ordinate and/or provide financial assistance for completion of such projects in the provinces.

As a less costly but more time-consuming alternative, provincial human rights commissions could be provided the financial resources and political will to initiate complaints with respect to selected professions and trades. Although commissions have jurisdiction to investigate complaints of discrimination in employment on the basis of national origin, it would seem that they have hesitated to use this jurisdiction in the area of immigrants' credentials. Given the suspected magnitude of the credentials problem, the commissions should be used more effectively to identify barriers to the entry of foreign-trained people. Once again, the federal government has a role to play, perhaps through the Canadian Human Rights Commission, in encouraging such endeavours by provincial commissions.

At a minimum, the provinces should undertake more rigorous data collection and analysis of applications for entry to the professions. Professional organizations should begin to submit to a designated ministry data on the country of origin and sex of all persons who submit applications for entry. For applicants who do not achieve certification, there should be some indication of the reason(s) for failure.

It should be emphasized that the foregoing recommendations are not intended as an exercise in determining whether a policy 'problem' exists. Numerous academic studies and public inquiries have already confirmed this to be the case. Rather, the provinces must devise means of investigating entry procedures in order to specify which occupations, and entry procedures within those occupations, represent the most significant barriers.

Any revision of existing entry procedures will require the co-operation of the professional associations, so that the traditions of self-regulation and peer review in the professions are respected. There is evidence that some professions are already beginning to examine their entry requirements for American professionals in preparation for eventual free trade in services between Canada and the United States. The outcome of this type of exercise in various professions may suggest means of improving access for other foreign-trained professionals.

Evaluation of Academic Equivalency

Current arrangements for evaluating foreign academic credentials are inadequate in two respects: provision of services and methods of evaluation.

Evaluation services vary across Canada and do not exist in some parts of the country. The CMEC commission that is to be established at the time of Canada's accession to the UNESCO Convention on Recognition of Studies has the greatest potential for improving the availability of and access to equivalency information in Canada. There is no doubt that the commission will act as a central repository of equivalency information. It is also probable that representatives of the commission will be involved in first-hand research in comparative education, either on an independent basis or in conjunction with the AUCC and various U.S. organizations. The commission will thereby remedy the present situation in which systematic equivalency information is readily available only to residents of Quebec.

There remains, however, the question of access to the services of the CMEC commission. The full potential of the commission to resolve equivalency problems will be realized only if the information collected by the commission is shared with large numbers of organizations and individuals. First, visa officers require current, accurate information on entry requirements in Canada and on international standards of education if they are to counsel prospective immigrants in a fair and realistic manner. Second, the commission should establish ties with the network of immigrant service organizations across Canada, which are the first recourse for many immigrants undertaking certification. Third, the commission will reduce much duplication of effort if it disseminates available information to educational institutions across Canada. Fourth, the commission must take the initiative in informing all licensing bodies and major employers of skilled immigrants of its findings on the Canadian equivalency of foreign education. If the commission possesses authoritative information it would be inefficient to distribute this information only on the basis of requests from the professions.

Finally, the commission must consider, in the long term, replacing the University of Toronto Comparative Education Service as a source of equivalency assessment for immigrants outside of Quebec. It is obvious that provision of such a vital national support service for immigrants should not be left to a private sector organization in Ontario that is not publicly accountable and has no representation from the other regions of Canada. The Quebec Division des équivalences is available as a model of a comprehensive evaluation service that issues authoritative statements of equivalency.

Because no body, including the CMEC commission, can usurp the right of the professions and educational institutions to final decision-making authority on matters of equivalency, these institutions will continue to use evaluating exams to test the academic proficiency of applicants. Over time, the CMEC should participate in the development of better methods of evaluation which could, in turn, be adopted by independent organizations. There is some suggestion in the credentials literature that professionals now question the reliability of many evaluating techniques, particularly examinations. This suggests that educators and experts in testing methods have a role to play in advising the professions and others who use examinations. As noted in Part five of this paper, the COPQ in Australia is responsible for assessing the academic qualifications of applicants to several professions. It is likely that the COPQ was delegated this responsibility by the licensing bodies based on the expertise of its members in methods of evaluation. The development of better methods of evaluation might also assist foreign-trained applicants in the trades, whose apprenticeship training appears at present to be under-valued.

In order for any of the foregoing recommendations to be implemented by the CMEC commission, there will have to be consensus among the provincial representatives as to their utility and willingness on the part of the provinces and federal government to provide increased funding to the commission. As a member of the commission, the representative of the Secretary of State will be involved in discussions on the role and function of the commission and would be well-placed to initiate discussion of immigrant credentials, which is an issue of national importance.

Services for Immigrants Requiring Retraining

Some foreign-trained persons will continue to require a degree of retraining to practise their profession in Canada. Improved evaluation services and more reliable methods of evaluation would enable the professions to identify specific gaps in the educational background of foreign-trained applicants more accurately. The CMEC commission has a role to play in ensuring that the professions and universities/colleges have the same understanding of these gaps and do not provide contradictory advice to the immigrant who must pursue retraining courses. In this way the commission could ensure the consistency of retraining requirements for individuals with similar backgrounds who are resident in different provinces and/or attend different institutions.

The federal government should work with the provinces toward provision of financial assistance to experienced, skilled immigrants who require retraining. Manitoba's Program Recognition provides a model in this regard. Federal participation could be arranged by modifying the eligibility requirements for participants in the Canadian Job Strategy (CJS). The unemployment and under-employment of skilled immigrants creates the kind of labour market inefficiency that the CJS was designed to address.

Additional Issues

There is a variety of related issues that must be resolved to ensure equitable treatment of foreign-trained professionals and tradespersons. Perhaps the most important is the need for technical language training. Many immigrants will continue to be unable to pursue their vocation, even in the face of revised entry procedures, because of inadequate ability to communicate on the job. Community organizations and educational institutions that currently deliver federal-provincial language programs should be asked by program administrators to assess the need for technical language training in specific occupations in their region. This needs assessment could form the basis of an extension of current language training programs funded through the Canadian Jobs Strategy. In instances where there is a labour market shortage of a given skill, employers could also be asked to participate in the financing of technical language training to facilitate the rapid entry of skilled immigrants to those occupations.

Finally, none of the foregoing recommendations will alter the circumstances of foreign-trained doctors, and possibly other professionals, who must fight policy measures designed explicitly to control their entry to the profession. Resolution of this issue will require a re-assessment by the provinces of human resource planning in the medical profession. Although this issue is beyond the scope of this paper to address fully, the preceding discussion of the medical profession does raise the question of why the supply pressure exerted by immigrant physicians does not receive consideration in the long-term planning of national physician supply, in the designation of training positions in Canadian medical schools, and in the funding of internships. The importance of immigrant physicians in providing culturally sensitive health care delivery also seems to have escaped attention. Until the policies of the

medical profession are examined in this broader context, licensing procedures will continue to operate at cross-purposes with federal immigration, settlement and multicultural policies.

It is useful to situate the subject of this paper in the context of other issues that impinge on it but that have not been discussed here. The paper has not addressed the subject of inter-provincial barriers to mobility, which diminish occupational opportunities for both foreign-trained applicants and applicants trained outside their current province of residence. Inter-provincial barriers such as residency requirements and differences in licensing requirements have been the subject of numerous studies, which have found them to be a significant impediment to the free movement of employed Canadians. It is therefore acknowledged that some immigrant professionals in certain provinces face barriers to licensing that are also experienced by Canadian-trained persons in the same profession who have relocated from another province. This paper has not addressed the question of national harmonization of certification procedures.

Finally, the focus of this paper has been on barriers that any or all foreign-trained persons may face at the stage of seeking certification. It is possible that entry procedures present discrimination on other grounds, such as race or sex, that would limit opportunities for both Canadian- and foreign-trained persons. Any systematic examination of entry procedures should logically include consideration of these related variables. In addition, this paper has not examined problems that immigrants may encounter at later stages of employment such as discrimination in hiring and promotion. The issue of foreign credentials could, therefore, be discussed most profitably by policy makers in the context of broader multicultural and race relations policies.

It is evident that, within Canada, issues of human rights and labour market inefficiency present compelling reasons to remove any barriers that prevent adequately qualified immigrants from pursuing their chosen occupation. However, non-immigrant Canadians could also benefit from resolution of the problems associated with credentials. Canadians who study and/or work abroad may face similar barriers in other countries. If they later return to Canada they may encounter the very difficulties that have been documented in this paper.

All Canadians therefore have a stake in creating an international labour market in which the mobility of skilled workers has been ensured by the elimination of barriers to recognition of credentials. Through federal-provincial co-operation, Canada could play a leading role in the achievement of this international goal.

Endnotes

1. Net immigration's contribution to growth in the source population (i.e., the number of individuals 15 years of age and over) declined from roughly 47.6 per cent between 1951 and 1956 to approximately 14.3 per cent between 1979 and 1983 (Kerr 1986, 9; Seward 1987).

2. In general, each additional year of education (net of other background factors) adds a 2.21 increase in Blishen-McRoberts points for native-born males but only 2.01 points for foreign-born males. Considering persons with only some elementary school education, Canadian-born males are 0.8 points higher than foreign-born males; for persons with a doctorate, native-born males have a 3.9 point advantage (Boyd 1985, 405).

3. The AMSSA Study adopted an 'open target methodology'. The 80 persons surveyed were selected on the basis of a snowball sample. That is, the sample was selected by first contacting individuals known to have experienced the problem being studied and asking them to provide names of others in a similar situation (Fernando and Prasad 1986, 21).

4. The acronym COSTI-IIAS stands for Centre Organization School Technical Italian-Italian Immigrant Aid Society.

5. In a limited number of trades all inter-provincial barriers have been eliminated for tradespersons who possess Red Seal Certification. There are 25 trades in Canada in which six or more provinces have agreed to allow tradespersons from other participating provinces to work in their new province of residence simply by displaying their Red Seal. Persons with a Red Seal are not required to demonstrate proof of apprenticeship training, nor are they required to write provincial certification exams. Of 66 trades practised in Ontario, tradespersons may obtain a Red Seal in about 20 trades.

6. The ACIVMW disbanded in November 1986 with the formation of the National Organization of Immigrant and Visible Minority Women of Canada (NOIVMWC). The work of the ACIVMW on language training and on other issues is to be continued by the new organization.

7. In 1986 this Committee was re-named the Federal/Provincial Advisory Committee on Health Human Resources. The Committee's Secretariat is located at the Health Human Resources Division, Health Services and Promotion Branch, Health and Welfare Canada. The Committee reports to the Deputy Ministers of Health.

8. Graduates of foreign medical schools include the following groups of persons:

    1. Physicians admitted to Canada as permanent residents. There are three classes of immigration in which physicians are admitted. Physicians selected in the Independant Class of immigration are selected, among other criteria, on the basis of their professional qualifications. Physicians who enter Canada in the Family Class or Refugee and Designated Classes do so on the basis of humanitarian and social criteria, without consideration of their professional merit.

    2. Canadian citizens (native-born or naturalized) who completed undergraduate medical education abroad.

9. The case, *Between the National Dental Examining Board of Canada and the Ontario Human Rights Commission, Dr. Jennifer Footman and Dr. Nellie Mendelsohn*, is now before the Supreme Court of Ontario, Court of Appeal (Minor 1987).

10. Note that immigrants who intend to settle in Quebec are assessed for admission and counselled by officers of the ministère des Communautés culturelles et de l'Immigration. However, provisions for determining the professional qualifications of prospective immigrants and for counselling of those immigrants are similar to those required of federal visa officers, as described in the paper. Quebec's immigration officers are, in addition, able to rely on the expertise of the Division des équivalences in assessing qualifications.

11. Immigrant physicians sign a different statement, which is found in Appendix B. Immigration procedures, at IS 4.08 5c, stipulate that applications for immigration from *dentists* must be cleared by the visa officer with the provincial department of health prior to approval.

Appendix A: Provincial and Territorial Offices Responsible for Certification of Trades

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British Columbia
Director of the Apprenticeship and Employment Training Programs Branch, Ministry of Labour

Alberta
Director of Apprenticeship and Trade Certification, Alberta Manpower

Saskatchewan
Director, Apprenticeship and Standards Division, Department of Advanced Education and Manpower

Manitoba
Director, Apprenticeship and Trades Training, Manitoba Labour

Ontario
Apprenticeship Branch, Ministry of Skills Development

Quebec
In the construction trades certification is the responsibility of the Apprenticeship and Qualification Service of the Ministry of Labour. In other trades certificates are issued by Parity Committees established in each industry. Certification is compulsory only for persons working within the administrative region controlled by committees. Outside these regions certification is not required.

New Brunswick
Industrial Training and Certification Board, Department of Advanced Education and Training

Nova Scotia
Provincial Apprenticeship Board, Director of Vocational and Technical Training

Prince Edward Island
Apprenticeship Training Branch, Department of Fisheries and Labour

Newfoundland
Director of Apprenticeship, Department of Career Development and Advanced Studies

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Source: Canada, Employment and Immigration, "Occupational Entry Requirements in Canada", Catalogue No. E.R. 85/8 (Ottawa: June 1986); Ken Johnston, Senior Project Officer, Career Information Directorate, Employment and Immigration, Interview.

Appendix B: Statement Required of Immigrants Who Must Be Registered Or Licensed In Canada In Order To Practise Medicine

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I hereby confirm that I have been fully informed of the difficulties that I, as a graduate of a non-Canadian medical school, am likely to encounter in meeting the requirements established by appropriate medical bodies.

I fully understand:

i) that the issuance of an immigrant visa to me in no way assures that I will be able to practise medicine in Canada;

ii) that there are virtually no opportunities to acquire further medical training in Canada leading to licensure;

iii) that to practise medicine I will be required to meet educational and such other requirements as may be designated by national medical bodies, educational institutions and provincial medical licensing authorities;

iv) that successful completion of the required examinations, such as the medical Council of Canada Evaluating Examination, does not entitle me to a pre-registration training position;

v) that the issuance of a license to practise medicine in a province or territory in Canada is the prerogative of the appropriate licensing body and that the issuance of such a licence in one jurisdiction is no guarantee that it will be accepted by other licensing authorities;

vi) that my immigrant status will not be affected by my failure to obtain a licence to practise medicine in any Canadian province or territory.

SIGNED BY _____

WITNESSED BY _____

SIGNED AT _____ ON _____ 19___

Source: Minister of Employment and Immigration, "New Counselling Form For Immigrating Physicians", Release No. 87-10, March 27, 1987.

Appendix C

Telephone interviews were conducted with the following officers of provincial human rights commissions:

Alberta Human Rights Commission - Denis St. Arnaud (September 16, 1987)

British Columbia Human Rights Council - Mark Tatchell (September 16, 1987)

Ontario Human Rights Commission - Fern Gaspar (September 18, 1987)

Saskatchewan Human Rights Commission - Bill Rafoss (September 18, 1987)

Manitoba Human Rights Commmission - Mariann Burka (September 29, 1987)

Nova Scotia Human Rights Commission - Ed Russell (September 23, 1987)

Commission des Droits de la Personne du Québec - Danielle Robichaud (Setember 18, 1987)

New Brunswick Human Rights Commission - Janet Cullinan (September 18, 1987)

Prince Edward Island Human Rights Commisison - Fran Piercy (September 18, 1987)

Newfoundland Human Rights Commmission - Gladys Vivian (September 18, 1987)

Appendix D: Statement Required of Immigrants Who Must be Registered or Licensed in Canada in Order to Practise Their Profession or Occupation

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"I fully understand that the issuance of an immigrant visa to me in no way assures my eventual acceptance into the practice of my (profession or occupation) in Canada. I realize that such acceptance is at the sole discretion of the licensing authority in the province in which I wish to work or practise. I further understand that acceptance by the licensing authority in any province or provinces in Canada is not an assurance of acceptance in other provinces.

I confirm that I have been thoroughly counselled on the difficulties I may encounter in obtaining an opportunity to upgrade my qualifications in order to meet Canadian standards should my qualifications not be recognized by Canadian provincal authorities."

Source: Canada, Employment and Immigration, *Immigration Manual*. Chapter IS 4, Appendix "F" (Ottawa: January 1986).

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STUDIES IN SOCIAL POLICY PROGRAM

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1987

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87.A.4	Population Aging and Government Deficits in Canada	D.K. Foot (a)
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